

A special meeting of the Middle Smithfield Township Board of Supervisors was held on Thursday, March 4, 2010 at 9:00 a.m. with Scott R. Schaller presiding.

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

Attorney Wise stated that an editorial note be added under Bids and Correspondence of the February 11, 2010 meeting; after the meeting was adjourned the secretary went through the bid documents again and found two additional bids attached to one of the bids that was read. The two additional bids did not meet the bid requirements and the bid that the Supervisors awarded was the proper bid. Scott Schaller made a motion to approve the February 11, 2010 minutes with the editorial note as stated. Bob Spano seconded the motion. Mitchell Marcus abstained from voting on the February 11, 2010 minutes as he was not present. Motion carried 2-1.

Scott Schaller made a motion to approve the February 19, 2010 minutes. Bob Spano seconded the motion. Motion carried 3-0.

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

Attorney Wise announced that The Estates at Great Bear Hotel Addition Conditional Use hearing is scheduled for Tuesday, March 9, 2010 not today as incorrectly reported in the newspaper.

Jeannie Lee of AWSOM (Animal Welfare Society of Monroe) requested a monetary donation be made to the animal rescue shelter. She stated that their funding sources are all donations. AWSOM is asking all the municipalities and county for financial help. Scott Schaller asked Mrs. Lee what other Monroe County municipalities are giving to AWSOM; she stated that the shelter receives approximately from \$2,000 - \$5,000 from the giving municipalities. After further discussion Scott Schaller stated that the donation request will be added to the next regular meeting agenda for consideration.

Public Hearing

Ordinance 172

Scott Schaller made a motion to open the public hearing for Ordinance 172; an amendment to the code of the Township of Middle Smithfield by deleting the entire Chapter 200, entitled "Zoning" and replacing it with an entirely new Chapter 200 entitled "Zoning". Bob Spano seconded the motion. Motion carried 3-0.

Donna Kenderdine took a stenographic record of the hearing.

Attorney Wise stated that the purpose of the public hearing today is to take public comments and table the matter as additional comments were received from the township and county planning commissions and due to revisions, a final determination and vote would be scheduled for another public hearing.

Following public comment, Scott Schaller made a motion to table Ordinance 172. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller made a motion to close the public hearing for Ordinance 172. Bob Spano seconded the motion. Motion carried 3-0.

Solicitor Report

Attorney Wise presented Resolution 03-2010-01; Charlotte Drive, Fox Hollow Estates Road Dedication and accompanying Deed of Dedication & Resolution 03-2010-02; Lake View Lane, Fox Hollow Estates Road Dedication and accompanying Deed of Dedication

Attorney Wise stated that as early as 2 ½ to 3 years ago discussions were held between Supervisors and with the property owners within Fox Hollow Estates to dedicate roads within Fox Hollow Estates to the township.

Doug Olmstead stated that he has reviewed the paperwork and from a survey standpoint everything is in order.

Attorney Wise stated that the roads within Fox Hollow Estates are the minimum requirement and a new survey provided with the dedication paperwork shows that Charlotte Drive is a forty (40) foot road with a cul-de-sac and Lake View Lane is (40) foot and larger, with a cul-de-sac.

Scott Schaller stated that any other roads within Fox Hollow Estates are the responsibility of the owners of said roads not the township.

Scott Schaller made a motion to approve Resolution 03-2010-01; Charlotte Drive and accompanying deed of dedication. Mitchell Marcus seconded the motion. Motion carried 3-0.

Mitchell Marcus stated for the record that he is generally not in favor of taking roads over and has not changed his position unless it makes sense. Due to the fact that the people along Charlotte Drive were told if they determined who the owner of the road was and have a survey done, the Township would take over the road. With this being done they were relying on the township and in good faith they thought we would take the road. It is a good decision.

Scott Schaller stated that it is his position that all roads should be voted in favor of dedication.

Attorney Wise presented Resolution 03-2010-02; Lake View Lane, Fox Hollow Estates and accompanying Deed of Dedication.

Scott Schaller made a motion to approve Resolution 03-2010-02; Lake View Lane, Fox Hollow Estates and accompanying Deed of Dedication. Mitchell Marcus seconded the motion. Motion carried 3-0.

Mitchell Marcus stated for the record that he is generally not in favor of taking roads over and has not changed his position unless it makes sense. Due to the fact that the people along Lake View Lane were told if they determined who the owner of the road was and have a survey done, the Township would take over the road. With this being done they were relying on the township and in good faith they thought we would take the road. It is a good decision.

Attorney Wise presented Resolution 03-2010-03; permitting the participation in the Lackawanna County Automotive and Equipment Contract.

Michele Clewell stated that the 2009 Sterling L85000 truck through the Lackawanna County Purchasing contract is \$84,250.00.

Scott Schaller made a motion to approve Resolution 03-2010-03 authorizing the Township to participate in the Lackawanna County automotive and Equipment Contract.

Scott Schaller made a motion to purchase through the program, an L8500 truck over the five (5) year lease purchase program. Bob Spano seconded the motion. Motion carried 3-0.

Attorney Wise stated that after conferring with Robyn Pugh; Sewer Director, she is requesting direction from the Board of Supervisors as to whether they desire her to apply to the Monroe County Tax Assessment Office for tax exempt status for the following:

1. Golf Holes 1 & 18
2. Golf Holes 2 & 3
3. Golf Hole 4 (former Golf Hole 6)
4. Golf Hole 5 (former Golf Hole 7)
5. Golf Hole 6 (former Golf Hole 8)
6. Golf Hole 7
7. Clubhouse Lot

Scott Schaller asked for public comment regarding the tax exempt status for the listed golf holes and clubhouse.

Following public comment, Scott Schaller stated that there is a plan to sell the Remaining Lands in Tract 2 that were acquired February 12, 2010 by the Township as that land was not taken to create open space but the Township will not ask for tax exempt status for it.

Scott Schaller made a motion to seek tax exempt status for the listed parcels. Bob Spano seconded the motion. Mitchell Marcus stated that he would like additional time to review tax exemption as it relates to municipalities. Mitchell Marcus stated that he must abstain from voting on this issue due to a lack of knowledge on tax exemption with regard to municipality owned property. Motion carried 2-1.

New Business

Scott Schaller stated that the Public Works Department received a quote in the amount of \$18,436.00 for a Bandit model 250XP, 12 Inch Disc Style Wood Chipper that is on the Pennsylvania Costars Contract.

Scott Schaller made a motion to approve the purchase of the Bandit Chipper over five year lease purchase option. Bob Spano seconded the motion. Motion carried 3-0.

There was discussion regarding plowing and maintaining certain roads within Middle Smithfield Township and Price Township. After further discussion Scott Schaller authorized the Solicitor to prepare an Intergovernmental Cooperative Agreement for plowing and maintaining roads that overlap with Price Township. The locations of the specific roads were read by Attorney Wise. It was noted that Price Township passed a similar Ordinance on February 18, 2010.

Scott Schaller made a motion directing the solicitor to prepare an Intergovernmental Cooperative Agreement Ordinance and prepare the advertising for a public hearing. Bob Spano seconded the motion. Motion carried 3-0.

Spring cleanup dates were discussed. Scott Schaller made a motion authorizing spring clean up be held May 6, 7 and 8 from 7:00 a.m. to 3:00 pm., and for the Secretary to prepare & consult with the Board of Supervisors on the clean up bid specifications and advertise for the cleanup dumpsters. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller stated that on February 11, 2010 the Board of Supervisors discussed allowing reimbursement of out of pocket park expenses be paid to Pat LaPeter, in his capacity as the Parks and Recreation Director but tabled a decision as Supervisor Marcus was not present.

Scott Schaller made a motion authoring a maximum of \$1,000.00 of reimbursable expenses be paid to Pat LaPeter in his capacity as the Parks and Recreation Director. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller made a motion to go into executive session to discuss personnel matters at 12:10 p.m. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller made a motion to reconvene the meeting at 1:15 p.m. Bob Spano seconded the motion. Motion carried 3-0.

There was discussion regarding a break even analysis for the golf course being prepared by Robyn Pugh.

There was discussion to add Website Design under new business for the next regular Board of Supervisors meeting.

Attorney Wise stated that a response from the Liquor Control Board was received and a representative would be contacting the Township to schedule an interview.

Attorney Wise stated that she and Robyn Pugh have a meeting at Wayne Bank today regarding loans that Robyn Pugh has made application for on behalf of the Township for operation and improvements of the golf course and clubhouse.

There being no further business Scott Schaller made a motion to adjourn the meeting at 1:18 p.m. Mitchell Marcus seconded the motion. Motion carried 3-0.

Respectfully submitted,

Michele L. Clewell,
Township Secretary

March 4, 2010		Neopost Leasing	\$95.00
Payroll 2/19/10	\$48,603.96	Opdyke	\$201.67
Monroe County Recorder	\$57.00	P&S Garage	\$39.50
BMO	\$3,295.61	PA DEP	\$100.00
PLCB	\$1,450.00	PA American Water	\$35.71
EMC Insurance	\$7,681.56	PA One Call	\$16.20
PNC Bank	\$12,626.00	PenTeleData	\$5.67
		Pocono Produce	\$117.13
209 Enterprises	\$53.20	Pocono Record	\$228.28
ABC trophy	\$7.00	PSATS	\$250.00

Andrew & Monica Cortez	\$14.33	RKR Hess	\$8,049.37
Comm of PA Surplus	\$134.00	Ray Price Stroud Ford	\$455.06
Frank J. Smith Jr. Inc.	\$7,850.00	Rick Porvaznik	\$61.75
Gary Possinger	\$150.00	Ryan Felmly	\$150.00
General Code	\$441.24	Service Tire	\$1,240.68
Great America Leasing	\$304.50	Staples Credit	\$540.85
HA Thomson	\$906.00	Steve Pendola	\$8.99
Hanson Aggregates	\$125.48	Sworen's Transmission	\$68.00
Ikon	\$559.90	Tulpehocken Springs Water	\$71.40
Jennifer Wise (reimbursement)	\$211.99	Verizon Wireless	\$789.65
John Deere Credit(final)	\$25,588.19		
Joseph Squires	\$150.00		
met-ed	\$2,378.93		
Metlife	\$1,064.80		
Montour Home Comfort	\$2,306.70	<u>Total - General Fund</u>	<u>\$128,485.30</u>

MIDDLE SMITHFIELD TWP. SEWER DEPARTMENT

Starting Check Date: 3/03/10 Cash account #: 101-000
Ending Check Date: 3/03/10

Check-date	Check-#	Vend-#	Vendor Name	Check-amount	Reference
3/03/10	5067	ACHTER	ACHTERMAN ASSOCIATES	3,745.90	
3/03/10	5068	ACTION	ACTION LIFT, INC	137.29	134185
3/03/10	5069	ALLSTA	ALLSTATE SEPTIC SYSTEMS	570.00	P116400
3/03/10	5070	AQUANE	AQUA NET ENVIRONMENTAL, INC	45,672.81	Pmt request 3
3/03/10	5071	AT&T	AT&T	87.35	0195333847001
3/03/10	5072	CARBTR	CARBTRCOP CORP	4,251.95	37152
3/03/10	5073	COYNE	COYNE CHEMICAL	2,820.00	818135
3/03/10	5074	VOID		0.00	100076523768
3/03/10	5075	VOID		0.00	100076523768
3/03/10	5076	METED	MET-ED	10,811.15	
3/03/10	5077	PA WAT	PENNSYLVANIA AMERICAN WATER	27.10	24-1998911-2
3/03/10	5078	VOID		0.00	02142010.11
3/03/10	5079	PROSSE	PROSSER LABORATORIES INC	20,415.25	
3/03/10	5080	SEREND	SERENDIPITY ACCOUNTING & TAXES	4,326.93	154
3/03/10	5081	STRAND	STRAND POOL SUPPLY & SERV	4,381.70	
3/03/10	5082	VOID		0.00	5702231024
3/03/10	5083	VERIZO	VERIZON	624.10	
3/03/10	5084	WASTE	WASTE MANAGEMENT INC	5,712.63	
Totals:				103,584.16	