

A special meeting of the Middle Smithfield Township Board of Supervisors was held on Wednesday, May 5, 2010 at 9:00 a.m. at the Schoonover Municipal Building with Scott R. Schaller presiding.

Members present: Scott Schaller, Mitchell K. Marcus, and Robert (Bob) F. Spano, Sr., also present, Attorney Jennifer Ann Wise, Township Engineer R. Douglas Olmstead, Jr., P.E., Zoning Officer Wayne Rohner, Township Secretary Michele Clewell and Jessica Holt, Stenographer.

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

Public Hearing Revised Ordinance #172

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

Jessica Holt took a stenographic record of the hearing.

Attorney Wise stated that this is the continuation of the March 4, 2010 public hearing for proposed Zoning Ordinance #172 of 2010. For clarification purposes for new audience members, Attorney Wise summarized, on the record, a time line for proposed Zoning Ordinance #172.

Attorney Wise presented and read the substantive portion of a letter "verbatim", which letter she received from township residents due to the first public hearing held March 4, 2010; the substantive portion of one of the letters was marked Township Exhibit #1. Attorney Wise presented and read the names of the fifty-seven residents that sent the letter; a list of the names which were read into the record was marked Township Exhibit #2.

Attorney Wise stated that after the Board of supervisors March 4, 2010 meeting the supervisors publicly stated they were going to consider the concerns stated in the letter marked Exhibit #1.

The proposed ordinance today has changed the Adult Use from a Conditional Use in the Commercial District to a Use by Special Exemption in the Commercial District.

Attorney Wise also summarized additional provisions in the revised Ordinance No. 172 which portions that were missing from the March 4, 2010 meeting.

Attorney Wise asked if anyone has any different comments from the March 4, 2010 public hearing, to please sign in to become a party to the proceedings.

Following public comment, Attorney Wise read a letter "verbatim" written by Supervisor Robert F. Spano, Sr. and addressed to Township Secretary, Michele L. Clewell, dated March 4, 2010, marked as Township Exhibit #3, which was made a part of the minutes.

There was discussion regarding the proposed zoning map change that shows the Tom X Restaurant as well as real estate along Route 209 near entrance to Country Club of the Poconos being removed from the Big Ridge Development PRD zoning district.

Scott Schaller made a motion to take a five minute recess allowing Doug Olmstead time to retrieve and present the official Big Ridge Development PRD map. Mitchell Marcus seconded the motion. Motion carried 3-0.

Attorney Wise stated that the public hearing would resume.

Mr. Olmstead stated that the original Big Ridge PRD map shows the real estate out along Route 209 was not part of the PRD however he is not sure why the Tom X property was changed on the proposed zoning map.

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

Scott Schaller made a motion to adopt Ordinance #172 with the typographical revisions to be made to Table 043.010A, use category C22, Place of Worship and Related uses to be revised to reflect "P" for permitted within all zoning districts and complete definitions for slaughter use.

Attorney Wise stated that Supervisor Marcus either has to make a motion to reject or vote yes to approve the motion by Supervisor Schaller.

Mr. Schaller restated his previous motion. After some discussion Mr. Schaller withdrew his motion in order to confer with PSATS via phone conference (Pennsylvania State Association of Township Supervisors).

The Supervisors, Solicitor and Secretary returned to the meeting following a conference call with PSATS.

Scott Schaller made a motion to adopt Ordinance #172 with the typographical revisions to be made to Table 043.010A, use category C22, Place of Worship and Related uses to be revised to reflect "P" for permitted within all zoning districts and complete definitions for slaughter use.

Mitchell Marcus made a motion to not adopt Ordinance #172.

Attorney Wise stated that we have a letter of abstention from Supervisor Spano which had been previously read into the record per "Township Exhibit "3".

Attorney Wise read the section of the PA Public Official and Employee Ethics Act regarding conflicts into the record and advised that if a tie vote had been cast, Mr. Spano had met the requirements set forth in the Ethics Act to cast the tie-breaking vote.

Scott Schaller made a motion to adopt Ordinance #172 with the typographical revisions to be made to Table 043.010A, use category C22, Place of Worship and Related uses to be revised to reflect "P" for permitted within all zoning districts and complete definitions for slaughter use. Mitchell Marcus voted no.

Scott Schaller made a motion to adopt Ordinance #172 with the typographical revisions to be made to Table 043.010A, use category C22, Place of Worship and Related uses to be revised to reflect "P" for permitted within all zoning districts and to complete the definition for slaughter house. Mitchell Marcus voted no.

Mitchell Marcus stated that he would like to explain his vote against Zoning Ordinance #172 based on his conversation with PSATS and information he obtained from them. He has some concerns with the proposed ordinance although it's not all bad. He would like to table the vote and discuss it further. He stated he doesn't believe that the adult use needs to be expanded; we can keep the adult entertainment in the Commercial Industrial Zone. He asked how expanding adult entertainment is in the best interest of the community.

Attorney Wise stated that we now have a tie vote as Mr. Schaller voted yes to adopt Ordinance #172 and Mr. Marcus voted no, she explained that Mr. Spano is allowed to cast the deciding vote. Mr. Spano voted yes. Motion carried 2-1.

Scott Schaller called for a five minute recess before moving to the next item on the agenda. Bob Spano seconded the motion. Motion carried 3-0.

Golf Course Directors Report

Scott Schaller made a motion to table discussion on the Tax Anticipation Note until the next regular meeting scheduled for May 13, 2010 in order for the Wayne Bank representative to be in attendance. Mitchell Marcus seconded the motion. Motion carried 3-0.

Public Comment

There were general questions regarding the Tax anticipation Note and the golf course.

There being no further business, Scott Schaller made a motion to adjourn the meeting in regular order at 1:15 p.m. Bob Spano seconded the motion. Motion carried 3-0.

Respectfully submitted,

Michele L. Clewell
Township Secretary

May 5, 2010

Payroll 4/16/10	\$61,684.80	Mitchell Marcus (Conv. Reimb)	\$663.47
Payroll 4/30/10	\$59,304.52	Monroe County Tax Collection	\$173.00
BMO	\$1,676.95	MSTSD	\$250.00
PMRS (March)	\$10,523.81	Neopost Leasing	\$95.00
Bank Capital Services(chipper)	\$4,432.84	Northeast Industrial Supply	\$28.24
PA DEP (tank fee)	\$100.00	Northeastern PA Alliance	\$250.00
PNC Bank	\$12,626.00	Northern Safety	\$92.72
EMC Insurance	\$8,487.84	PA American Water	\$35.71
		PA One Call	\$13.50
Aflac	\$704.44	PenTeleData	\$5.85
Amsterdam Printing	\$95.36	pibh	\$76.70
Atlas Building Maintenance	\$292.26	PMRS (April)	\$15,221.71
Bruce Brandli	\$100.00	Pocono Produce	\$131.00
BWP- Carquest	\$300.60	Postage Pros Plus	\$205.17
DCED	\$152.00	PSATS-CDL program	\$930.00
Donna Kenderdine	\$68.35	R.J. Groner	\$160.88
ECCO Communications	\$875.10	R & S Auto & Truck	\$22.66
Eureka Stone Quarry (blacktop)	\$64,366.84	Ray Price Stroud Ford	\$464.19
Flamm Walton PC	\$39.00	Riley Computer Services	\$70.00
Gotta Go Potties, Inc.	\$190.00	Royal Chemical Inc.	\$1,859.50
Great America Leasing	\$304.50	Sibum's Auto Parts	\$250.00
Highway Equipment	\$123.09	Signs & Graphics	\$458.00
IKON Office Solutions	\$265.35	Smithfield Twp.-Fire Ins. Share	\$14,778.00
Jennifer Wise (reimb)	\$352.60	Staples Credit	\$1,277.13
Joseph Iannia (Ranger)	\$200.00	Superior Plus	
Macmillan Oil	\$630.00	Energy(Montour)	\$2,479.30
Malcolm Law	\$655.00	Telco	\$65.00
Marshalls Creek Plumbing	\$1,366.85	Tulpehocken Spring Water	\$71.40
Met-ed	\$1,860.84	Verizon	\$576.64
MetLife	\$785.34	Verizon Wireless	\$976.05
Michele Clewell(Conv. Reimb)	\$565.32	Warren County Service Center	\$233.40
Miggy's Corp 5	\$90.04	Waste Management	\$305.40
		Total General Fund	\$275,439.26

