

A special meeting of the Middle Smithfield Township Board of Supervisors was held on Monday, September 20, 2010 at 10:00 a.m. at the Schoonover Municipal Building with Scott R. Schaller presiding.

Members present: Scott R. Schaller, Mitchell K. Marcus and Robert (Bob) Spano, Sr. Also in attendance, Township Attorney Jennifer Ann Wise, Township Engineer R. Douglas (Doug) Olmstead, Jr. P.E., Golf Course/Sewer Department Director Robyn Pugh, Township Secretary Michele L. Clewell and members of the public.

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

Concerns of the lack of attorney reviews on the Route 209 Sewer Line Extension Bid documents, cost associated with the extension and need for an extension was discussed at length.

Scott Schaller explained that the bids are expected to be awarded today and the connection fees will be determined at a later date.

Attorney Wise explained that she took exception to the original motion to approve the bid documents because the motion shifted all professional liability for the acceptability of the bid documents and in particular the bid specifications for the sewer lines and related structures, including all engineering work and so forth, to her professional liability and that this was unfair because she is not an engineer and not qualified to review the bid specifications to know whether they are proper or not. Attorney Wise stated that she reviewed the legal bid notice that appeared in the newspaper and the three basic parts of the contracts and advised R. Douglas Olmstead, P.E., Fred Courtright, P.E. and Robyn Pugh, Sewer Director, of her revisions to those documents. Engineer Doug Olmstead echoed agreement with Attorney Wise's statement.

Mitchell Marcus asked how the contractors were going to be paid. Robyn Pugh stated that \$1,000,000.00 Dollars was included in the 2009 Middle Smithfield Township General Obligation Bond for the sewer line extension; however, additional money would need to be borrowed to cover the entire costs.

### **Route 209 Sewer Line Extension**

Robyn Pugh stated that Doug Olmstead P.E., Attorney Wise and herself would recommend Doli Construction be awarded the bid at \$1,338,490.00 without the water reuse line.

The alternate deduct was removed for the water reuse line as the line would not be utilized at this time.

Ms. Pugh stated that in order to receive PennVEST loans specific advertising is required for the water reuse line and we did not meet that requirement.

Doug Olmstead stated that they can also recommend rejecting all bids for Contract #2; Water line, as Pennsylvania American Water can award that bid at a lower cost as the Township must pay prevailing wages.

Mr. Olmstead also stated that they can also recommend rejecting all bids received for Contract #3; Electrical as only one bid was received and there is plenty of time to re-advertise and hopefully other bidders will submit a bid.

It was stated that additional money for the electrical contract will be required but re-bidding may reduce the electrical bid.

Robyn Pugh stated that an additional \$250,000.00 will be required. She explained different types of borrowing options to Mr. Marcus.

Scott Schaller made a motion to award the Route 209 Utilities Extension Contract 2010-01 (General & Mechanical) Wastewater Collection System to Doli Construction base bid with the Deduct #1 removed for a total bid of \$1,338,490.00. Mr. Schaller asked if anyone knows anyone at Doli Construction, everyone answered "no". Bob Spano seconded the motion. Mitchell Marcus voted no. Motion carried 2-1.

Scott Schaller made a motion to reject all bids received for Contract 2010-02 (General & Mechanical) Potable Water Distribution System Route 209 Utilities Extension due to economically not being in the best interest of Middle Smithfield Township. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller made a motion to reject all bids received for Contract 2010-03 (Electrical) Route 209 Utilities Extension due to not being in the best interest of Middle Smithfield Township. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller made a motion to re-advertise Contract 2010-03 (Electrical) for the pump stations after review by the Township Engineer and Solicitor. Bob Spano seconded the motion. Motion carried 3-0.

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

Robyn Pugh provided the three-stage development proposal from Success Communications regarding the golf course/clubhouse website. Success Communications verbally stated to Ms. Pugh that they would host the website for an additional \$349.00 per month to include three hours of development time for additional changes and modifications after finished website is approved.

Ms. Pugh recommended the Supervisors approve Stage 2 and reject Success Communications hosting the website.

Mitchell Marcus stated that he has not received any paperwork showing the total cash flow of the golf course/clubhouse from Ms. Pugh. Ms. Pugh stated that we are operating at a loss and that the total dollar loss is in excess of \$100,000.00 and she estimated it to be in the low \$100,000.00 range.

Mitchell Marcus stated that we need to look at the total fiscal picture of the township and asked Ms. Pugh if we will be in the position to pay back the Tax Anticipation Note by year end. Ms. Pugh stated that she will speak with Sherry Predmore.

Scott Schaller stated that they are discussing borrowing an additional \$1,000,000.00 Dollars from ESSA Bank and Trust so the golf course/clubhouse has its own operating fund.

Scott Schaller made a motion to approve the Success Communications website proposal without the additional monthly fee to host the website. Bob Spano seconded the motion. Mitchell Marcus voted no. Motion carried 2-1.

**New Business** Authorize Advertising and Bid Notice for the Sale of Approximately (27) Acre Parcel Owned by the Township; Attorney Wise that the proposed real estate to be sold via sealed bid notice is a 28.87+ acres North of Tom X Road within Country Club of the Poconos. Attorney Wise stated that prior to advertising Big Ridge Developers, L.P. must release the parcel as there must be a clear title of property.

Mr. Chant's fee was briefly discussed.

Scott Schaller made a motion authorizing Attorney Wise to work with Davis Chant of Davis Chant Realtors with advertising of the real estate totaling 28.87+ acres North of Tom X Road located in Country Club of the Poconos. Bob Spano seconded the motion. Mitchell Marcus voted no. Motion carried 2-1.

Scott Schaller made a motion that no minimum bid is set, sale is contingent upon township providing clear and marketable title and the Supervisors can reject any and all bids as they deem in the best interest of the Township. Bob Spano seconded the motion. Mitchell Marcus voted no. Motion carried 2-1.

There being no further business, Scott Schaller made a motion to adjourn the meeting at 11:45 a.m. Bob Spano seconded the motion. Motion carried 3-0.

Respectfully submitted,

Michele L. Clewell  
Township Secretary  
September 20, 2010