

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Thursday, April 14, 2011 at 10:00 A.M. at the Schoonover Municipal Building with Scott R. Schaller presiding.

Members present: Scott R. Schaller, Robert (Bob) Spano, Sr., and Mitchell K. Marcus. Also present was Township Solicitor Jennifer Ann Wise and Township Secretary Michele L. Clewell, two Pennsylvania State Constables and numerous residents. Country Club of the Poconos Director Robyn Pugh was absent.

#### **Chairman's Comments**

Scott Schaller made an announcement that John Petrizzo, Sr., Township resident and business owner passed away this morning. Mr. Schaller asked for a moment of silence.

#### **Approval of Minutes**

Scott Schaller made a motion to approve the March 10, 2011 and April 8, 2011 minutes. Bob Spano seconded the motion. Motion carried 3-0.

#### **Approval of Payables**

Scott Schaller made a motion to approve the payables. Bob Spano seconded the motion. Mitchell Marcus voted no. Motion carried 2-1.

#### **28.87 Acre Parcel within Country Club of the Poconos Bid Opening**

Michele Clewell opened and read aloud the (1) sealed bid received from Monroe-Pike Land LLC, Robert G. Brown Manager.

Monroe-Pike Land, LLC submitted a bid for the purchase of the 28.87 acres of real estate for the sum of \$176,800.00 for the property "AS IS" under the terms of the Conditions of Sale. The bid Proposal and Security for bid was received in the form of a cashier's check for 10% of the bid amount (\$17,680.00).

Scott Schaller made a motion to go into executive session to discuss the real estate bid received at 10:13 A.M. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller made a motion to reconvene the meeting at 10:40 A.M. Bob Spano seconded the motion. Motion carried 3-0.

Scott Schaller introduced Davis Chant of Davis R. Chant Realtors, Township Consultant on this matter. Mr. Chant stated that his recommendation to the Supervisors is to consider the offer, as the residential market today is almost disappearing in this area. Scott Schaller stated that the bidder is interested in putting in senior housing if the property is acquired.

There were several questions regarding what the assessed value of the parcel is, if the property has been appraised, how much commission Mr. Chant is going to receive. Attorney Wise left the meeting to contact the Monroe County Assessment office. Scott Schaller stated that the Mr. Chant's commission is 5% and is paid by the buyer. Mitchell Marcus stated that we should re-advertise again as we only received one bid.

Attorney Wise returned to the meeting and stated that the parcel is comprised of (3) Tax ID numbers and the assessed value is probably equal to or more than the assessed value.

Scott Schaller made a motion to accept the bid and authorized the Solicitor to schedule a closing within (60) days of acceptance of the sealed bid pursuant to the conditions of the sale as advertised. Bob Spano seconded the motion. Motion carried 3-0.

### **Correspondence**

A letter was received from Howard Kindred Sr. CEO, Chairman and Founder of the Northeastern Pennsylvania Transplant Support Group, Inc. requesting a donation of up to \$2,500.00. Attorney Wise stated that the Second Class Township Code does not authorize giving donations to support groups.

After further discussion, Scott Schaller made a motion to donate \$1,000.00 to the Northeastern Pennsylvania Transplant Support Group, Inc. Bob Spano seconded the motion. Mitchell Marcus voted no. Motion carried 2-1.

A letter was received from the Monroe County Assessment Office requesting a refund due to Jorge & Claudia Mutis due to incorrect building information in the amount of \$43.69. Scott Schaller made a motion to refund Jorge & Claudia Mutis \$43.69. Bob Spano seconded the motion. Motion carried 3-0.

A letter was received from Bushkill Emergency Corps. providing the most recent copy of the financial report dated July 1, 2009 through June 30, 2010.

A letter was received from the Redevelopment Authority of the County of Monroe notifying residents that the County has received a HOME Investment Partnership Program grant which will permit owner-occupied homeowners to receive assistance to rehabilitate their home within the Monroe Lake Shores community.

A letter was received from William W. Radican of Country Club of the Poconos commending Mr. Schaller on the acquisition of the golf course, clubhouse and Big Ridge Drive.

### **Solicitors Report**

Repeal the Non-CDL Drug Testing Policy – Scott Schaller made a motion to Repeal the Non-CDL Drug Testing Policy and make the necessary changes in the employee handbook. Bob Spano seconded the motion. Motion carried 3-0.

Resolution 04-2011-02, 2011 Fee Schedule - A letter was received and read verbatim from Robert Pohlman dated April 11, 2011 regarding central sewer fees not identified at the Township's annual organizational meeting.

Attorney Wise stated that Resolution 04-2011-02 lists the 2011 Central Sewer Fees for the Route 209 and Winona Lakes central sewer customers.

Scott Schaller made a motion to approve Resolution 04-2011-02 2011 Fee Schedule retroactively to January 1, 2011. Bob Spano seconded the motion. Mitchell Marcus voted no. Motion carried 2-1.

Resolution 04-2011-03, Storage and Review of Confidential Personnel Files – Attorney Wise read verbatim the full resolution.

Mitchell Marcus stated that he has no knowledge of this resolution and asked when it was done. Attorney Wise stated that she received it yesterday from Attorney Josele Cleary. Mr. Marcus stated that he would like to table a decision until next month in order to review the resolution. Scott Schaller stated that the purpose of the resolution is due to Mr. Marcus's lawsuit against the Township and that Mr. Marcus thinks the Supervisors can riffle through personnel files.

Scott Schaller made a motion to approve Resolution 04-2011-03 Storage and Review of Confidential Personnel Files. Bob Spano seconded the motion.

Several members of the audience said the resolution should be tabled and someone asked for a copy.

Mitchell Marcus made a motion to table Resolution 04-2011-03, Storage and Review of Confidential Personnel Files.

At the request of Scott Schaller, Michele Clewell left the meeting to ask Sherry Predmore, Human Resource Coordinator to come into the meeting.

Mr. Marcus stated that he did, in fact, ask to see Deb Ogden and Kate Galinus's files when they were being discussed to be let go.

Scott Schaller called roll call on his motion. Scott Schaller voted yes, Bob Spano vote yes and Mitchell Marcus voted no. Motion carried 2-1.

Resolution 04-2011-04 Distribution of Certain Financial Records – Attorney Wise read the Resolution verbatim.

Scott Schaller made a motion to approve Resolution 04-2011-04 Distribution of Certain Financial Records. Mitchell Marcus stated that he has to abstain due to his litigation against the Township. Bob Spano seconded the motion. Roll call - Scott Schaller voted yes, Bob Spano voted yes and Mitchell Marcus abstained. Motion carried 2-0.

Litigation Liaison – Attorney Wise stated that due to the Marcus vs. Middle Smithfield Township lawsuit, an appointment of one person on the Board of Supervisors to have contact with Solicitor Wise and/or outside counsel is proposed.

The lawsuit is a Writ of Mandamus. Attorney Wise articulated what the purpose of the litigation Liaison is.

Bob Spano made a motion to appoint Scott Schaller as the Litigation Liaison for the Marcus vs. Middle Smithfield Township lawsuit. Scott Schaller seconded the motion. When the vote was called Bob Spano abstained as he is a party to the proceedings. Scott Schaller abstained as he is a party to the proceedings. Mitchell Marcus abstained as he is a party to the proceedings. Roll call - The vote was taken with Scott Schaller and Bob Spano voting yes, Mitchell Marcus abstained. Motion carried 2-0.

#### **Engineers Report**

*In the absence of the Township Engineer, Attorney Wise provided a report.*

Catherine Driscoll and Charles Scrimale – Minor Subdivision Plan – Attorney Wise stated that the Supervisors have until June 9, 2011 to render a decision. Scott Schaller made a motion to table action on the plan. Bob Spano seconded the motion. Motion carried 3-0.

Evergreen Estates II Conservation Major Subdivision Final Plan – Attorney Wise stated that a letter was received from Ott Engineering requesting the plan be tabled and granting a time extension until July 15, 2011. Scott Schaller made a motion to table the plan and grant the time extension until July 15, 2011 as requested. Bob Spano seconded the motion. Motion carried 3-0.

Woods Edge II Major Subdivision Reaffirmation – A request from the owner/developer requesting this matter be reaffirmed until July 2, 2013 pursuant to Act 46 of 2010 has been received. An Amended Power of Attorney from Richard Iavevaio is on record and made a part of the file authorizing Frances Malsch to make this request on the owner/developer's behalf. Scott Schaller made a motion to reaffirm the Woods Edge II Major Subdivision Plan. Bob Spano seconded the motion. Motion carried 3-0.

## **New Business**

Dog Park - Attorney Wise stated that Dave Manter has obtained phone quotes and has calculated the fencing requirements for the posts and necessary equipment in order to fence in an area at the Judy Putek Memorial Park.

Park Directors Report – Joyce Bush requested that John Ferro, MST Regional Park locate the park benches by May 12, 2011 and move them to the Judy Putek Memorial Park as the benches were built as an Eagle Scout project but never installed at the Regional Park where it was intended.

Ms. Bush stated that she would like to install a fitness trail at the Echo Lake Park. Scott Schaller stated that she should review the master plan in order to determine the possible location of a fitness trail.

Ms. Bush stated that she would like to hold a Scout Day at Echo Lake Park.

There was discussion regarding the Scouts helping with the dog fence at the Judy Putek Memorial Park. Joyce Bush stated that the Minsi Trails Council must approve all projects for an Eagle Scout prior to the work.

Dave Manter stated that he obtained (4) telephone quotes for 984 feet (plus gates, if any) with posts spaced a maximum of 10.00' apart with Home Depot providing the lowest price at \$2,781.12; this price does not include installation.

When asked about putting up a small directional sign, Ms. Bush was asked to contact Maria Oliveras. Water at the dog park was briefly discussed.

Joyce Bush requested that the Township send a letter to John Cogan thanking him for the receptacles. Scott Schaller made a motion to send a letter to Mr. Cogan. Bob Spano seconded the motion. Motion carried 3-0.

Ms. Bush asked if someone from the Township could spray the park as there are a lot of ticks.

There was discussion to send a letter to Minsi Trails informing scout officials that there may be projects available at Township parks for scouts looking to earn the Eagle Scout badges; interested scouts should submit letter of interest to Township. Scott Schaller made a motion to approve. Mitchell Marcus seconded the motion. Motion carried 3-0.

Bob Spano stated that he will contact Fry's Fencing for a price on the fence and the other vendors that Mr. Manter contacted in order to provide installation costs for the fence as the Public Works Department is extremely busy and does not have time to install or supervise the Scouts installation of the fence at the Judy Putek Memorial Park.

There was further discussion regarding the removal of the benches at Regional Park. Scott Schaller made a motion directing the Secretary to send a letter to Minsi Trails to request the benches that were supposed to be installed at Regional Park but instead are sitting in storage be authorized to be relocated to the Judy Putek Memorial Park. Bob Spano seconded the motion. Motion carried 3-0.

Advertise to Receive Sealed Bids for a Low Boy Trailer – Scott Schaller made a motion authorizing the Solicitor and Secretary to advertise to receive sealed bids for a used Low Boy Trailer and to obtain the specifications from the Road Foreman. Bob Spano seconded the motion. Motion carried 3-0.

Bob Spano stated that LTS Developers has (2) used containers for sale at a total cost of \$3,000.00 and it would be worthwhile for the Township to purchase both containers. Scott Schaller made a motion to purchase the (2) used containers from LTS Developers for a total cost of \$3,000.00. Bob Spano seconded the motion. Motion carried 3-0.

Advertise to Receive Sealed Bids for 1.91 Acre Township Owned Property – Scott Schaller made a motion authorizing the Solicitor and Secretary to advertise to receive sealed bids for the 1.91 acre parcel for leasing purposes only pursuant to receiving a final land development plan. Bob Spano seconded the motion. Motion carried 3-0.

Prior to the Public Comment portion of the meeting Mitchell Marcus made a motion to hold (2) work sessions between today and May 30, 2011. Bob Spano asked the purpose of the work sessions. There being no second to the motion; the motion died.

Mr. Marcus made a motion to have the 2011 Township Budget posted to the website. Scott Schaller seconded the motion. Motion carried 3-0.

#### **Public Comment**

Mr. Ferro stated that the Regional Park Commission received a proposal from a Girl Scout to erect a "peace pole" at Mt. Nebo Park at no cost to the townships and he believes that Smithfield Township has already approved. Mr. Ferro is seeking approval of the Supervisors for the Girl Scouts to erect the "peace pole" at Mt. Nebo Park.

Scott Schaller made a motion to approve the peace poll pending verification that Smithfield Township has approved the project. Bob Spano seconded the motion. Motion carried 3-0.

Mitchell Marcus read from a prepared statement regarding hosting an informal monthly public open house on Tuesday, May 24, 2011 at 7:00 P.M. Mr. Marcus's statement is attached and made part of the minutes.

Mitchell Marcus read from a prepared statement regarding the township Audits and instituting a judicial mandamus action against the Township. Mr. Marcus's statement is attached and made part of the minutes.

Mr. Marcus stated that he has further comments and Scott Schaller and Bob Spano left the meeting.

Mr. Marcus provided the prepared statements for Michele Clewell to be included in the minutes.

Mr. Schaller and Mr. Spano returned to the meeting.

Scott Schaller made a motion to adjourn the meeting at 1:32 P.M. Bob Spano seconded the motion.

Attorney Wise stated that Mr. Marcus did not finish his statement.

Scott Schaller made a motion to appoint Deanna Schmoyer as the full time Township Engineer effective April 27, 2011. Bob Spano seconded the motion. Mitchell Marcus voted no. Motion carried 2-1. Members of the audience stated that they heard Mr. Spano vote no to the hiring of Ms. Schmoyer, therefore, Scott Schaller made another motion to appoint Deanna Schmoyer effective April 27, 2011 as Township Engineer as a full time employee at a salary of \$100,000.00 per year. Bob Spano seconded the motion. Mitchell Marcus voted no. Motion carried 2-1.

Mr. Schaller announced that he had to leave the meeting as he has to go to work. Mr. Schaller excused himself at 1:40 P.M.

Mr. Marcus read from two prepared statements regarding the Township health insurance and the revocation of Lowris Park permit, both of which is attached and made part of the minutes.

The salary of the previous and recently hired Township Engineer, and comments made by Supervisor Schaller towards Mr. Keys at the March 10, 2011 were discussed.

The next HOTT PA Conditional Use Public Hearing is scheduled for May 12, 2011 at 5:00 P.M.

There were questions as to why the CCP Golf Course Director and Zoning Officer are not present.

Bob Spano made a motion to adjourn the meeting at 2:04 P.M. and place the public comment at the beginning of the next regular meeting as members of the audience did not have time to provide their public comment. Mitchell Marcus seconded the motion. Motion carried 2-0.

Respectfully submitted,

Michele L. Clewell, Secretary  
April 14, 2011

**General Fund Payables 4/14/2011**

|                                     |             |                          |             |
|-------------------------------------|-------------|--------------------------|-------------|
| AFLAC                               | \$1,716.88  | Lewis True Value         | \$144.69    |
| BMO - Feb                           | \$533.74    | Mail Finance             | \$190.00    |
| EMC Insurance                       | \$8,263.42  | Met-ed                   | \$4,926.35  |
| Frazetta's Fantasy Costumes         | \$75.00     | Monroe County Control    | \$11,408.79 |
| Gerald Gay - approved 3/10          | \$6,000.00  | Morgan Hallgren          | \$119.00    |
| GreenSky Technologies LLC           | \$1,069.50  | Oriental Trading         | \$236.17    |
| Hartford-Priority                   | \$1,372.20  | PA American Water        | \$71.32     |
| Jacqueline Zaldana-fire escrow 3/10 | \$12,723.09 | PA Municipal Health Inc. | \$25,118.25 |
| Mercedes-Benz Fin Serv USA LLC      | \$18,297.81 | PA One Call System       | \$54.96     |
| Monroe County Recorder of Deeds     | \$18.50     | PenTeleData              | \$15.70     |
| North Wind Measurement              | \$1,345.00  | Pocono Record            | \$168.46    |
| Payroll 3-18-2011                   | \$53,751.97 | Pocono Sew & Vac         | \$64.35     |
| Payroll 4-1-11                      | \$60,443.79 | PSATS CDL Program        | \$165.00    |
| PMRS-Feb                            | \$11,324.85 | R&D Safe& Lock           | \$440.90    |
| PMRS-Mar                            | \$10,475.38 | R & S Auto & Truck       | \$241.02    |
| PNC Bank                            | \$12,626.00 | Reliable Signs           | \$22.83     |
| Pocono Mts. COG                     | \$88.00     | Rick Porvaznik (reimb)   | \$56.10     |
| BMO - March                         | \$3,937.44  | Roger Metzgar            | \$282.20    |
| Dollar Tree (egg hunt)              | \$400.00    | Royal Chemical           | \$3,183.53  |
|                                     |             | S & W Starter            | \$84.00     |
| 209 Enterprises                     | \$2,344.19  | Schemery Zicoello, P.C.  | \$1,402.50  |
| A J Smith Electric Motor Service    | \$40.50     | Smith Motor              | \$431.24    |
| Alfred Spang (reimbursement)        | \$45.20     | Stengel Bros             | \$369.57    |
|                                     |             | Ray Price Stroud Ford    | \$58.48     |
| Allstate Septic Systems             | \$80.00     | Service Tire Truck       |             |
| Amsterdam                           | \$47.88     | Center                   | \$708.94    |
| Bergey's Truck Centers              | 257.12      | Scott Schaller (reimb)   | \$686.08    |
| Clear Choice Glass                  | \$219.00    | Smith Motor Co.          | \$431.24    |
| Conney Safety                       | \$264.86    | Staples Credit           | \$231.63    |
| CNH Capital                         | \$2.00      | Stengel Bros. Inc.       | \$369.57    |
| Debbi Manter                        | \$1,965.00  | Telco Inc                | \$1,511.10  |
| Dennis Huber (constable)            | \$335.00    | Trophy Tire Co           | \$204.00    |
| Donna Kenderdine Reporting          | \$639.60    | Tulpehocken Spring       | \$89.25     |
| E R Linde Construction              | \$3,800.00  | Verizon                  | \$438.98    |
|                                     |             | Verizon Wireless         | \$676.69    |

|                          |             |                           |                     |
|--------------------------|-------------|---------------------------|---------------------|
| Five Star                | \$2,100.00  | Waste Management          | \$632.64            |
| Giles Ransome            | \$600.52    | WPA II Industries         | \$300.00            |
| Great America Leasing    | \$334.95    | Wayne Rohner (reimb)      | \$49.98             |
| IKON                     | \$630.44    | Whitmore's Garage         | \$290.00            |
| Isobunkers               | \$14,447.25 |                           |                     |
| Jim Flynn's Truck Repair | \$73.40     |                           |                     |
| John Bonham              | \$219.50    |                           |                     |
| John's Truck Parts       | \$2,910.00  |                           |                     |
| Kimball Midwest          | \$3,786.05  |                           |                     |
|                          |             | <b>Total General Fund</b> | <b>\$295,480.54</b> |

**Fire/EMS 4th Qtr Donations**

|                          |                    |
|--------------------------|--------------------|
| Marshalls Creek Fire/EMS | \$28,439.71        |
| Bushkill Fire Co         | \$6,939.02         |
| Shawnee Fire Co.         | \$6,939.02         |
| Suburban EMS             | \$1,500.00         |
| Bushkill Emergency Corps | \$1,500.00         |
| Med-Mobile EMS           | \$1,500.00         |
| <b>Total Donations</b>   | <b>\$46,817.75</b> |

**Golf Course and Clubhouse Payables April 14, 2011**

| <u>Date</u> | <u>Num</u> | <u>Name</u>                                  | <u>Amount</u> |
|-------------|------------|--|---------------|
| 03/15/2011  | 1165       | CNY GOLF LLC                                 | -895.00       |
| 03/15/2011  | 1166       | Finch Services, Inc                          | -2,347.50     |
| 03/16/2011  | 1167       | Success Communications Group                 | -2,030.00     |
| 03/16/2011  | 1168       | Sue C. Werkheiser<br>Dempsey Uniform & Linen | -345.34       |
| 03/30/2011  | 1176       | Supply                                       | -873.64       |
| 03/30/2011  | 1177       | Verizon                                      | -479.62       |
| 03/30/2011  | 1178       | Finch Services, Inc                          | -500.00       |
| 03/30/2011  | 1179       | Pocono Produce Company                       | -2,032.73     |
| 03/30/2011  | ACH        | Met-Ed                                       | -344.81       |
| 03/30/2011  | ACH        | Met-Ed                                       | -197.33       |
| 03/30/2011  | ACH        | Met-Ed                                       | -1,851.88     |
| 03/30/2011  | ACH        | Met-Ed                                       | -294.61       |
| 03/30/2011  | 1180       | JTL Activity Fund                            | -150.00       |

|            |      |                                   |           |
|------------|------|-----------------------------------|-----------|
| 04/07/2011 | 1181 | All Mechanical Service Company    | -130.00   |
| 04/07/2011 | 1182 | BWP-Carquest Auto Parts           | -325.26   |
| 04/07/2011 | 1183 | Cramers Cashway Inc               | -42.21    |
| 04/07/2011 | 1184 | Dempsey Uniform & Linen<br>Supply | -225.79   |
| 04/07/2011 | 1185 | Draft Cleaning Services           | -132.63   |
| 04/07/2011 | 1186 | Ehrlich                           | -147.10   |
| 04/07/2011 | 1187 | Finch Services, Inc               | -81.67    |
| 04/07/2011 | 1188 | Hellers Gas, Inc.                 | -63.00    |
| 04/07/2011 | 1189 | Home Depot                        | -25.08    |
| 04/07/2011 | 1190 | Lewis True Value                  | -164.97   |
| 04/07/2011 | 1191 | Lou Scaltrito                     | -563.83   |
| 04/07/2011 | 1192 | Miggy's Corp 5                    | -176.71   |
| 04/07/2011 | 1193 | P & S Garage                      | -20.00    |
| 04/07/2011 | 1194 | PA American Water                 | -91.41    |
| 04/07/2011 | 1195 | Pocono Produce Company            | -1,769.15 |
| 04/07/2011 | 1196 | Success Communications Group      | -1,535.15 |
| 04/07/2011 | 1197 | Sun Litho-Print, Inc.             | -50.00    |
| 04/11/2011 | 1171 | Cramers Cashway Inc               | -533.10   |
| 04/11/2011 | 1172 | Dave Muller Equipment             | -364.00   |
| 04/11/2011 | 1173 | Draft Cleaning Services           | -130.00   |
| 04/11/2011 | 1174 | Finch Services, Inc               | -2,347.50 |
| 04/11/2011 | 1175 | Golf Cart Services, Inc           | -0.98     |
| 04/11/2011 | 1176 | GTS-Welco                         | -100.13   |
| 04/11/2011 | 1177 | Hellers Gas, Inc.                 | 10,193.74 |
| 04/11/2011 | 1178 | Kimball Midwest                   | -89.97    |
| 04/11/2011 | 1179 | Lewis True Value                  | -199.41   |
| 04/11/2011 | 1180 | Met-Ed                            | -3,325.99 |
| 04/11/2011 | 1181 | Miggy's Corp 5                    | -7.41     |
| 04/11/2011 | 1182 | Mountain Fuels                    | -12.88    |
| 04/11/2011 | 1183 | Otis Elevator                     | -3,060.00 |
| 04/11/2011 | 1184 | Pocono 4 Wheel Drive Center       | -113.00   |
| 04/11/2011 | 1185 | Pocono Produce Company            | -4,150.07 |
| 04/11/2011 | 1186 | R&R Products                      | -1,032.46 |
| 04/11/2011 | 1187 | Staples                           | -90.98    |
| 04/11/2011 | 1188 | Star Ledger                       | -535.49   |
| 04/11/2011 | 1189 | Success Communications Group      | -520.15   |
| 04/11/2011 | 1190 | Sun Litho-Print, Inc.             | -215.00   |
| 04/11/2011 | 1191 | Sysco of Central PA               | -1,290.45 |
| 04/11/2011 | 1192 | The Filter Man                    | -97.00    |
| 04/11/2011 | 1193 | Turf Equipment & Supply Co.       | -171.21   |
| 04/11/2011 | 1194 | Verizon                           | -501.94   |
| 04/11/2011 | 1195 | Waste Management                  | -143.84   |

47,113.12

47,113.12

## MIDDLE SMITHFIELD TWP. SEWER DEPARTMENT

Payables list for April 14, 2011

| Check-date | Check-# | Vend-#           | Vendor Name                               | Check-amount |
|------------|---------|------------------|---|--------------|
| 4/11/11    | 5355    |                  | ACHTERMAN ASSOCIATES                      | 1,993.00     |
| 4/11/11    | 5356    | ACHTER           | ALLSTATE SEPTIC SYSTEMS                   | 695.00       |
| 4/11/11    | 5357    | ALLSTA           | AT&T                                      | 86.84        |
| 4/11/11    | 5358    | CMRS             | CMRS-POC                                  | 1,000.00     |
| 4/11/11    | 5359    |                  | COYNE CHEMICAL                            | 2,820.00     |
| 4/11/11    | 5360    | COYNE<br>DOLI    | DOLI CONSTRUCTION<br>CORPORATION          | 153,127.66   |
| 4/11/11    | 5361    |                  | EMERGENCY SYSTEMS COMPANY                 | 3,306.38     |
| 4/11/11    | 5362    | EMERGE<br>MALDEN | MALDEN                                    | 8,627.00     |
| 4/11/11    | 5363    |                  | MET-ED                                    | 176.36       |
| 4/11/11    | 5364    | METED            | MONROE COUNTY                             | 131.00       |
| 4/11/11    | 5365    | MONPRO           | PROTHONOTARY<br>PA DEPT OF TRANSPORTATION | 2,811.25     |
| 4/11/11    | 5366    | PENNDO           | RROSSER LABORATORIES INC                  | 8,087.32     |
| 4/11/11    | 5367    | PROSSE           | STAPLES                                   | 269.23       |
| 4/11/11    | 5368    | STAPLE           | STRAND POOL SUPPLY & SERV                 | 3,283.14     |
| 4/11/11    | 5369    | STRAND<br>TOPS   | TOPS SOFTWARE                             | 84.95        |
| 4/11/11    | 5370    |                  | VERIZON                                   | 72.69        |
| 4/11/11    | 5371    | VERIZO           | WASTE MANAGEMENT INC                      | 6,051.80     |
|            |         | WASTE            |   |              |
|            |         |                  | Totals:                                   | 192,623.62   |

April 14, 2011

**Public Statement of Supervisor Mitchell Marcus on Open House Sessions**

When I first took office in January 2010, I held informal monthly public opportunities for residents to bring their concerns and questions to me.

I am going to hold an informal open house public input session each month in this room of the Township Building. These informal events are not deliberative sessions. While my fellow Supervisors are welcome to attend, the purpose of my informal monthly public open house is for public input and questions only, not for the management of any official Township business.

My next informal monthly public open house will be held on Tuesday, May 24, 2011 at 7 PM.

At each upcoming monthly meeting of the Supervisors, I will announce the date and time of my next open house. I will vary the times of day and the days of the week when these are held to maximize the opportunities for residents to attend. I understand that family, church, social and business commitments compete for our time and I want to be sure to make these sessions as convenient as possible for all residents.

I request that Michelle Clewell post this open house time and date on our website—May 24, 2011 at 7 PM.

A handwritten signature in cursive script, appearing to read "Mitchell Marcus".

April 14, 2011

**Public Statement of Supervisor Mitchell Marcus on Township Audits**

Since I commenced my office as Township Supervisor in January of 2010, I have been regularly frustrated in my efforts to enjoy the open access to the books, records and papers of the Township to which I am entitled by law. I have been regularly frustrated in my efforts to fully participate in the management of the Township, as an elected Supervisor.

As many of you know, after many months of cordial and professional efforts to receive the respect and the authority that are owed to all elected township supervisors, I was unable to improve my circumstances. My fellow Supervisors regularly meet outside my presence and decide Township matters; those matters include hiring and firing, and spending Township revenues. I have been repeatedly refused access to essential information.

I am not resigned to tolerating this continuing dysfunction and so, in my official capacity, I instituted a judicial mandamus action to secure complete access to all the books, records and papers of the Township. I look forward to the opportunity to resolve my mandamus claims with my fellow Supervisors and the Solicitor. I know that my attorney made the first settlement proposal, both orally and in writing, and I know that no written response has been made. I am pleased to advise that our Solicitor did speak

A handwritten signature in black ink, appearing to read "Mitchell Marcus". The signature is written in a cursive, flowing style.

with my attorney on these issues, for the first time, on Tuesday of this week. I hope their dialogue continues.

I am fully prepared to take the matter to a Court Hearing but am hopeful that soon we will reach a written settlement agreement.

While my requests for copies of the 2009 Township Audit and Financial Statements were not respected or met by my fellow Supervisors, recently I was able to secure a copy of the audited Financial Statements directly from Kirk, Summa & Co., the professional accounting firm the Township has appointed to prepare our audits.

At the conclusion of the 2009 report, Kirk, Summa & Co. notes that their audit included tests to determine whether the Township's Financial Statements are free of material misstatements. The report then concludes with the following language which I now quote verbatim: "The results of our tests disclosed instances of non-compliance or other matters that are required to be reported under Government Auditing Standards and which are described in the accompanying schedule of findings." In the copy provided to me, no such schedule of findings was included. Thus, I am not able to advise you today of the "non-compliance or other matters" that exist. I am working expeditiously with Kirk, Summa & Co. to secure a copy of that schedule of findings so that I can report further to you on their concerns.

I also note that the audited Financial Statements I just discussed are *2009 statements* . The *2010* audited Financial Statements are not complete. This Board of Supervisors must expedite the 2010 audited Financial Statements and release them as soon as possible.

APRIL 14, 2011

**Public Meeting Statement of Supervisor Mitchell Marcus re Health Insurance**

Middle Smithfield Township has spent tax revenues to pay for health insurance coverage based on false information. I am deeply disturbed by this. The amount of money in question is considerable. I am not satisfied with the Township's response to this serious problem. The Township Solicitor has raised health records privacy concerns but has not provided clear answers or guidance on how we can recover the financial losses the Township has suffered. One of my fellow supervisors has told me to "stay out of it," and the other supervisor is avoiding the problem.

The Township has not cooperated to my satisfaction with an existing investigation by the Northeastern Pennsylvania Insurance Fraud Task Force. Taxpayers deserve to have this situation investigated and exposed. Taxpayers deserve to have this Township recover the misspent funds.

*in my official capacity as supervisor,*  
I requested in writing to my fellow Supervisors on March 30, 2011 that this matter be placed on today's agenda. It was not.

I take seriously my official obligations to safeguard the financial health of this Township and I will not desist in my efforts to expose this wrongdoing.

*Mitchell Marcus*

April 14, 2011

**Public Statement of Supervisor Mitchell Marcus on  
Revocation of Lowris Park Permit**

On March 18, 2011, the Township's Zoning Officer granted a permit for a park to Jon Lowris.

Several weeks later, on April 8, 2011, the Zoning officer issued a letter notice that the permit has been revoked.

Zoning officers must act fairly and independently. It is highly improper for any Township Supervisor to pressure or to attempt to influence the Township's zoning officer.

Because Township Supervisors must respect the independence of the Zoning Officer, *I* cannot and will not take any action regarding the revocation of the permit.

But I take this opportunity to state that in my official capacity as Supervisor I am deeply disturbed by the apparent conflict in the public accounts given by our Solicitor and our Zoning Officer regarding the permit revocation.

A handwritten signature in cursive script, appearing to read "Mitchell Marcus".