

A special meeting of the Middle Smithfield Township Board of Supervisors was held on Monday, November 28, 2011 at the Schoonover Municipal Building at 7:00 P.M., with Mitchell K. Marcus presiding.

Members present: Mitchell K. Marcus, Annette Atkinson and Michael J. Dwyer. Also in attendance, Township Secretary Michele Clewell and numerous interested parties.

Public Comment (non-agenda items)

None

Approval of Payables

General Fund – Michael Dwyer made a motion to approve the listed payables. Annette Atkinson seconded the motion. Motion carried 3-0.

A question was asked regarding the status of the Township's finances. Mitchell Marcus stated that Frank Cefali is working on providing an answer to the Supervisors. Michael Dwyer stated that on December 8, 2011 we will be ready to present the budget. Annette Atkinson stated that there are other government agencies that do forensic audits and maybe we could piggy back on those contracts.

It was stated that the Supervisors need an interim Solicitor to help recoup the Township money used regarding health insurance.

Chairperson Report

Mitchell Marcus thanked fellow Supervisors' Annette Atkinson and Michael Dwyer as well as everyone working together. He gave a special thank you to former employee Sherry Predmore for coming in on her own time to help with the budget. Mr. Marcus stated that her work was not truly appreciated and not having her it a loss to the Township.

Secretary Report

Michele Clewell stated that at a previous meeting a member of the audience (William Trainor) asked a question about a bill submitted by Dennis Huber, PA State Constable. Michele Clewell stated that Mr. Huber was paid for attending Supervisors meetings at the direction of former Supervisors.

Old Business

Felver, Cefali and Associates, LLC Engagement Letter – Michael Dwyer made a motion to accept the engagement letter. Annette Atkinson seconded the motion. Motion carried 3-0.

A comment was made that this is a very small business. Annette Atkinson stated that they are not bound to use Mr. Cefali for any number of hours and they are not required to use the accounting services of Felver, Cefali and Associates, LLC after reconstructing the books.

Mitchell Marcus stated that Mr. Cefali was not promised set hours.

New Business

Michael Dwyer made a motion to go into executive session to discuss Township Solicitor appointment at 7:15 P.M. Annette Atkinson seconded the motion. Motion carried 3-0.

Mitchell Marcus made a motion to reconvene the meeting at 7:35 P.M. Annette Atkinson seconded the motion. Motion carried 3-0.

Appointment of Interim Solicitor - Mitchell Marcus made a motion to appoint Michael Gaul of KingSpry Law Firm as the Townships primary interim solicitor. Annette Atkinson seconded the motion. Motion carried 3-0.

Appointment of Alternate Interim Solicitor (non-agenda item) – Mitchell Marcus made a motion to appoint Gerald Geiger, Esq. Of Newman, Williams, Mishkin...Michael Dwyer seconded the motion. Motion carried 3-0.

Public comments were received regarding how the Supervisors decided on Attorney Michael Gaul. Mr. Dwyer stated that the firms were selected based on our point of contact, experience within the firm, and cost.

KingSpry fees are \$140.00 per hour and Newman, Williams, Mishkin fees are \$150.00 per hour.

Authorize Solicitor to Prepare and Advertise Proposed Ordinance No. 182, Amending Ordinance No. 177 (General Obligation Note) – Michael Dwyer made a motion directing Attorney Gaul to prepare and advertise proposed ordinance No. 182, Amendment to Ordinance No. 177 G.O.N. Annette Atkinson seconded the motion. Motion carried 3-0.

Mr. Dwyer stated that the Township has a number of debts that are coming due and the most urgent is the 2011 Tax Anticipation Note (TAN) that is due at the end of the year. Accountants, bond counsel, banks and the auditor have all been consulted.

Ordinance No. 177 authorized the prior Board to take out the 2011 TAN for the golf course. Currently there is \$700,000.00 sitting in the account and if we don't amend this ordinance we are unable to use these funds except for what is designated within stated the ordinance.

Mitchell Marcus state that Wayne Bank has been consulted with and they are in agreement with the proposal. A letter was sent to Wayne Bank formalizing the intent of the Board of Supervisors and we have (7) days to hear back from them if they do not agree.

A question was asked if the CCP Clubhouse has been winterized. Mitchell Marcus stated that it was done by the staff volunteers provided input.

Gary Summers requested that on the December 8, 2011 meeting agenda the Supervisors take a position on the money owed to Bob Pritz. Mr. Marcus stated that discussions have been on going with

Mr. Pritz's attorney; however we do not have a definite answer yet. He also stated that we will give an update on the matter but maybe not an answer yet.

Roll Call – Mitchell Marcus voted yes, Annette Atkinson voted yes, and Michael Dwyer voted yes to authorize Attorney Gaul to prepare and advertise proposed Ordinance No. 182, Amendment to Ordinance No. 177 G.O.N. Motion carried 3-0.

Annette Atkinson made a motion to adjourn the meeting at 7:59 P.M. Michael Dwyer seconded the motion. Motion carried 3-0.

Respectfully submitted,

Michele Clewell,
Township Secretary
November 28, 2011