

The regular meeting of the Middle Smithfield Township Board of Supervisors was called to order on Thursday, February 12, 2009 at 9:00 am at the Schoonover Municipal Building. Scott R. Schaller presiding.

Members present: Scott R. Schaller, Robert F. Spano, Sr. (Bob) and Ronald L. Clewell (Ron). Also present were Jennifer Ann Wise Esq., R. Douglas Olmstead, Jr. P.E. (Doug), Michele Clewell, several residents of the Tego Lake POA and other interested parties. Representatives from outside agencies were Deanna Schmoyer of HRG Engineering, John Briggs of The Bushkill Group as well as a representative of the Turkey Hill Minit Market Company.

Scott Schaller made a motion to approve the January 5, 2009 and January 27, 2009 minutes as written. Bob Spano seconded the motion. The motion carried 3-0.

Scott Schaller made a motion to approve the payables as listed. Ron Clewell seconded the motion. The motion carried 3-0.

Certifications of Appreciation were awarded to Sherry Predmore for her twenty three years of dedicated service as township Secretary and Perry M. Henley for his many years of service as a volunteer on the Municipal Authority Board.

Correspondence

The following correspondences were summarized.

- a. Monroe County Board of Elections requested use of the Township Building for the Western Voting District on May 19, 2009 and November 3, 2009. Bob Spano made a motion to approve the use of the Township Building on the specified dates. Scott Schaller seconded the motion. The motion carried 3-0.
- b. In order to meet requirements of the H2O Pa Grant Application to DCED, R.K.R. Hess Associates sent notification that the East Stroudsburg Borough intends to upgrade Dam D45-155.
- c. The Redevelopment Authority of the County of Monroe annual grant notice was received.
- d. DCED announced entitlement grants for the FFY 2009 year for the Community Development Block Grant Program.
- e. The annual Storb Environmental Incorporated Downstream Notification for Pipeline Petroleum Inc. at Pocono Oil and Heat Inc; Hawley PA bulk petroleum storage plant, Route 402 and Route 6; Palmyra Township was received.
- f. The Township received a complete copy of the PPL application filed with the PA Public Utility Commission regarding the Susquehanna-Roseland power line project.
- g. Notice was received from R.K.R. Hess Associates regarding Kalian Homes @ Saw Creek Estates applying for renewal of an Individual NPDES Permit for stormwater discharges associated with construction activities.

Planning Related Items

Deanna Schmoyer of HRG Engineering on behalf of Turkey Hill Minit Markets stated that the Middle Smithfield Township Planning Commission recommended conditional approval of their plan providing the Solicitor, Engineer and outside agencies comments are met prior to final approval by the Board of Supervisors; however they are here today to request approval for two modifications.

The proposed Turkey Hill Mini Mart will be a 4,000 square foot building with thirty three parking spaces, rain garden with a basin in the front and back of the building. Ms. Schmoyer stated that a medium volume driveway with a sidewalk along Route 209 and future proposed sidewalk along Winona Falls Road are shown. She also stated that they have submitted the required documents and are working with PennDOT on their HOP and have met with the Monroe County Conservation District regarding the NPDES permit.

Two requests for modification were presented. (1) A modification from providing slope, utility and drainage easements along all the street right-of-way lines and to exclude the easements from the lot area; and (2) a modification from indicating the grid location number of the proposed land Development Plan. Ms. Schmoyer stated that all utilities/storm facilities traverse through site, for which they have provided a blanket easement across the property for access. The additional easement along the right-of-ways would not be needed and the grid numbers are no longer utilized.

After further discussion Scott Schaller made a motion to approve the request for modification from providing slope, utility and drainage easements along all the street right-of-way lines and to exclude the easements from the lot area. Ron Clewell seconded the motion. The motion carried 3-0.

Scott Schaller made a motion to approve the request for modification from indicating the grid location number on the land development plan. Bob Spano seconded the motion. The motion carried 3-0.

Doug Olmstead reported that representatives of Wawa Inc. contacted him regarding the land development plan approved in 2007. Mr. Olmstead stated that the bonding and necessary outside agency permits are still in place however Wawa Inc. would like to re record the plan and require an affirmation from the Board of Supervisors to do so. Mr. Olmstead reported that no changes to the plan and that he will work with the Wawa Inc. Engineer to obtain new mylar's for the Township files.

Mr. Gary Summers asked what assurances the Township has that the project will be completed. He also stated that the concrete located on the corner of Route 209 and Sellersville Drive is a safety issue. The Attorney for Wawa Inc. stated that the project will be built but could not say when. After lengthy discussion Scott Schaller made a motion to reaffirm the Wawa, Inc. Land Development Plan originally approved September 2007 and direct the developer to secure or relocate the concrete inlet and

outlet boxes, etc. located on the corner of Route 209 and Sellersville Drive within sixty (60) days. Bob Spano seconded the motion. The motion carried 3-0.

Solicitors Report

Jennifer Ann Wise reported that the Boucher and James has completed surveying for Monroe Lake Main Road Right of Way Dedication Initial Field Survey, Deed Plots and Boundary Calculations; Proposal No. P082710A and a Professional Surveying Services Proposal for Monroe Lake Main Road, Right of Way Dedication Exhibit Plans and Legal Descriptions; Proposal No. P082710B.

Frank J. Smith Jr., Inc. submitted a proposal to locate approximately 9,500 L. F. of existing pave or gravel roads described in his proposal dated February 11, 2009.

Ms. Pamela Dodd of Tego Lake asked to address the Board regarding whether the township will file for eminent domain to take over the road that runs through Tego Lake and Monroe Lakes.

Scott Schaller stated that East and West roads are a part of the Comprehensive Plan, and the taking of this road is for health and safety reasons.

The Tego Lake POA members stated that by opening the road to the public will cause an increase in traffic and is overall a bad idea.

There was lengthy discussion regarding the on going dispute between Monroe Lakes POA and Tego Lake POA. Jennifer Ann Wise stated that it's not up to the Supervisors to tell either party what to do in regards to the ongoing legal dispute.

Ms. Pamela Dodd stated that the residents of Tego Lake believe that the Supervisors are taking the main road over in Monroe Lakes for political reasons.

Previous meetings were discussed. Jennifer Ann Wise stated that both Tego Lake and Monroe Lake Attorneys were informed of the meetings.

Someone asked if the Supervisors would consider withdrawing the emanate domain. Jennifer Ann Wise stated that condemnation action has not been filed with the courts as the Township must first do all the necessary leg work and that includes surveys of what will be taken.

Mr. Schaller stated that he would not open the road to the public until it is safer than it is now.

Representatives of Tego Lake POA stated they would like to schedule a meeting with the Board of Supervisors to discuss the issues at hand. Jennifer Ann Wise stated that if it is the intent of the Tego Lake POA to discuss the law suit between Tego and the Monroe Lakes POA, the Board of Supervisors cannot be a part of that discussion; however if they

wished to discuss possible limitation when the road is open then a meeting could be scheduled with them and their Attorney.

John Ferro stated that there are east and west roads that don't go through developments and they would be more feasible to take over.

Scott Schaller made a motion to approve the Professional Services Surveying Proposal from Frank J. Smith Jr. Bob Spano seconded the motion. The motion carried 3-0.

Ron Clewell stated that he and Mr. Olmstead will look at the maps again to determine if there is another way to relocate a portion of Tego Road as to minimize the disturbance.

Jennifer Ann Wise stated that Mr. David Wengred owner of Lot 19 Section 1; Lake of the Pines Development is seeking to request relief from the Stormwater Ordinance and a public hearing is required to be scheduled. Scott Schaller made a motion to schedule a public hearing on March 12, 2009 at 9:00 am to hear the application of David Wengred for Section 303(i)(3), located in the MDR district. Bob Spano seconded the motion. The motion carried 3-0.

Jennifer Ann Wise reported that Shawnee Development is submitting sketch plans to extend their existing resort complex. However, Ms. Wise could not find any documentation issued by the Township recognizing Shawnee as a pre-existing "Resort Complex, Existing" for the SALDO and Zoning Codes. But the Township did have paperwork for the resort complex dating back to 1986 when they requested to revise their Act 537 Plan. So, for housekeeping purposes, Ms. Wise advised the Supervisors that they should formally recognize Shawnee as a "Resort Complex, Existing" and Doug Olmstead could begin his review of the sketch plans to extend an existing resort. Scott Schaller made a motion acknowledging Shawnee Development is an Existing Resort Complex in Middle Smithfield Township. Bob Spano seconded the motion. The motion carried 3-0.

Engineers Report

Doug Olmstead stated that the Big Ridge request for escrow release is pending on the settle agreement and that plans are currently being reviewed. Jennifer Ann Wise questioned if when the review of the plans is complete, will everything be ready to sign. Mr. Olmstead said yes.

Mr. Bob Pohlman had questions regarding the Pond Creek Development. Mr. Olmstead stated that Pond Creek was taken out of the original Big Ridge PRD and not a part of the 1988 declaration, but that he would review the paperwork.

Mr. Olmstead stated that Mr. Gerald Gay of Crystal Creek Development submitted a waiver for planting of shade trees in Crystal Creek Estates because the sights are heavily wooded. Scott Schaller made a motion to grant the waiver request. Bob Spano seconded the motion. The motion carried 3-0.

Mr. Olmstead reported that Mr. Gay submitted a letter requesting the release of \$58,868.00 from the letter of credit the Township is holding for the Crystal Creek Development and the monies are to be released directly to Hanson Aggregates. Scott Schaller made a motion to release \$58,868.00 from the letter of credit for the Crystal Creek Development and specify that the monies are to be sent directly to Hanson Aggregates.

Mr. Olmstead reported that he is still reviewing the Knoll Acres II plan.

Mr. Olmstead stated that Verizon has approached the Township regarding placing a cell tower on township owned open space land. He stated that after speaking to Christine Dettore of Monroe County Open Space, the Township would have to make a formal request to the County to have a cell tower placed on open space lands, prepare the necessary documents and show how it does not adversely affect the land. After some discussion it was determined that Verizon should submit their proposal to Mr. Olmstead and if acceptable to the Supervisors, make application to the County per the note on the plan.

New Business

Ms. Wise explained that the Township is required to appoint an alternate building code inspector. Scott Schaller made a motion to appoint Building Inspection Underwriters, Inc. of Scranton PA. Ron Clewell seconded the motion. The motion carried 3-0.

Ms. Wise reported that Smithfield Township Board of Supervisors has requested a letter of support from Middle Smithfield Township Board of Supervisors for the PA Community Transportation Initiative Funding. The \$4.5 million dollars is reimbursable from PennDOT. After further discussion, Scott Schaller made a motion to send a letter of support to the Smithfield Township Supervisors for the PA Community Transportation Initiative Funding noting that the Middle Smithfield Township Supervisors would be in favor of the application, providing there are no financial commitments required from Middle Smithfield Township. Bob Spano seconded the motion. The motion carried 3-0.

A letter of interest to serve on the Eastern Regional Park Commission was received from Mr. Mitchell Marcus. Scott Schaller made a motion to appoint Mr. Marcus to the Eastern Regional Park Commission. Bob Spano seconded the motion. The motion carried 3-0. Mr. Marcus thanked the Supervisors for his appointment.

Public Comment

Mr. Robert Pohlman stated that he contacted Chief Baujan regarding policing in private communities and was told that vehicle code laws cannot be enforced in private communities. Mr. Pohlman also stated that he believed that people that live in private communities will not get equal service.

John Ferro stated that the cost of joining SARP is exorbitant and the Supervisors should consider starting a township police force.

Judy Summers stated that the school taxes are increasing and the Supervisors should think very hard before making the decision to have a police department.

The 911 re-addressing was discussed. The Board stated that Maria Oliveras the Township 911 Coordinator has completed and submitted everything required to the County.

Richard Kawasaki asked what the felony reports are for the township and what statistics are they using to warrant a police department.

There was discussion regarding the application process for the township to take over private roads.

Larry Dymond thanked the Supervisors for doing a good job and suggested that they solicit state and federal help for land use planning.

Mr. Valentino questioned the Supervisors as to why the 2009 meeting time was changed to mornings. Scott Schaller stated that the Township is looking to save money by having the meetings during the day as the staff is already working and a nightly meeting will be scheduled when warranted.

Richard Kawski wanted to advise the Board of Supervisors that something is not right or what it should be. He asked is there a responsibility that the Secretary is required to advise the Supervisors? Jennifer Ann Wise read the job duties of Township Secretary from the 2nd class Township Code. Mr. Kawski stated that in his opinion the former Secretary should have advised the Supervisors on developers who were doing things wrong. He then went on to cite problems with Country Club of the Poconos and other developments. Mr. Schaller stated that the Engineer and Solicitor that were in place at the time had responsibilities to oversee development.

After discussing possible dates for spring and fall cleanup, Scott Schaller made a motion to schedule spring cleanup for May 7, 8, and 9, 2009 & fall cleanup for October 1, 2 and 3, 2009 and authorizing the Secretary to place the advertisement for cleanup containers. Ron Clewell seconded the motion. The motion carried 3-0.

John Ferro suggested that the Supervisors waive the cleanup fees. The Supervisors stated they would discuss the matter.

There being no further business, the meeting adjourned in regular order upon a motion by Schott Schaller and second of Bob Spano. The motion carried 3-0.

Respectfully submitted,

Michele L. Clewell, Secretary
February 12, 2009