

The Middle Smithfield Township Board of Supervisors Organization meeting held on Tuesday, January 3, 2012 at 7:00 P.M. at the Schoonover Municipal Building.

Members present: Mitchell Marcus, Annette Atkinson and Michael Dwyer. Also attending, Township Solicitor Michael Gaul, Township Secretary Michele Clewell and numerous interested parties.

2012 Organization

Attorney Michael Gaul stated that he would handle the nomination for Chairman and asked for a nomination.

Chairman – Mitchell Marcus upon a motion of Michael Dwyer, second by Annette Atkinson. Motion carried 3-0.

Vice-Chairman – Annette Atkinson upon a motion of Michael Dwyer, second by Mitchell Marcus. Motion carried 3-0.

Public Works Director – Michael Dwyer upon a motion of Annette Atkinson, second by Mitchell Marcus. Motion carried 3-0.

Operations Director – Annette Atkinson upon a motion of Michael Dwyer, second by Mitchell Marcus. Motion carried 3-0.

Assistant Operations Director – Michael Dwyer upon a motion of Annette Atkinson, second by Mitchell Marcus. Motion carried 3-0.

Insurance and Risk Management – Mitchell Marcus upon a motion of Annette Atkinson, second by Michael Dwyer. Motion carried 3-0.

Administrative Director – Annette Atkinson upon a motion of Michael Dwyer, second by Annette Atkinson. Mitchell Marcus stated that he maintains that any positions in which a supervisor is to be paid he will vote no. Motion carried 2-1.

Assistant Administrative Director – Mitchell Marcus upon a motion of Annette Atkinson, second by Michael Dwyer. Motion carried 3-0.

Treasurer – Michael Dwyer upon a motion of Annette Atkinson, second by Mitchell Marcus. Motion carried 3-0.

Assistant Treasurer – Annette Atkinson upon a motion of Michael Dwyer, second by Mitchell Marcus. Motion carried 3-0.

Township Secretary and Administrative Coordinator – Michele Clewell upon a motion of Mitchell Marcus, second by Annette Atkinson. Motion carried 3-0.

Open Records Officer and Archives & History Coordinator – Michele Clewell upon a motion of Mitchell Marcus, second by Michael Dwyer. Motion carried 3-0.

Human Resources Coordinator – Michele Clewell upon a motion of Mitchell Marcus, second by Annette Atkinson. Motion carried 3-0.

Sewer Department Coordinator – Maria Oliveras upon a motion of Mitchell Marcus second by Annette Atkinson. Motion carried 3-0.

Public Works Coordinator – Erin Groome upon a motion of Mitchell Marcus, second by Michael Dwyer. Motion carried 3-0.

Township Solicitor – The Law Firm of KingSpry with Michael Gaul, Esquire being the representative upon a motion of Michael Dwyer, second by Annette Atkinson. Motion carried 3-0.

Alternate Township Solicitor – The Law Firm of Newman Williams, Miskin.. with Jerry Geiger, Esquire being the representative upon a motion of Annette Atkinson, second by Mitchell Marcus. Motion carried 3-0.

Planning Commission Solicitor – The Law Firm of Scanlon, Lewis and Williamson with Todd Weitzmann, Esquire being the representative upon a motion of Annette Atkinson, second by Michael D. Motion carried 3-0.

Alternate Planning Commission Solicitor – The Firm of KingSpry with Michael Gaul, Esquire being the representative upon a motion of Michael Dwyer, second by Annette Atkinson. Motion carried 3-0.

Zoning Hearing Board Solicitor – The Law Firm of Matergia & Dunn with John Dunn, Esquire being the representative upon a motion of Michael Dwyer, second by Annette Atkinson. Motion carried 3-0.

Recycling Coordinator – Wayne Rohner, upon a motion of Annette Atkinson, second by Mitchell Marcus. Motion carried 3-0.

Alternate Zoning Hearing Board Solicitor – To be announced at a later date.

Township Engineer – The Firm of Gilmore & Associates with Fred Courtright, P.E. Being the representative upon a motion of Mitchell Marcus, second by Annette Atkinson. Public comment was received regarding the appointment of Mr. Courtright. Motion carried 3-0.

Sewage Enforcement Officer – David Manter upon a motion of Mitchell Marcus, second by Annette Atkinson. Motion carried 3-0.

Alternate Sewage Enforcement Officer – Jeryll Reinhardt upon a motion of Annette Atkinson, second by Michael Dwyer. Motion carried 3-0.

Zoning, Code Enforcement Officer and BCO – Wayne Rohner upon a motion of Mitchell Marcus, second by Annette Atkinson. Motion carried 3-0.

Building Inspector(s) – The Firm of Building Inspectors Underwriters with David Manter being the representative upon a motion of Michael Dwyer, second by Annette Atkinson. Motion carried 3-0.

Tax Collector Committee Delegate – Annette Atkinson upon a motion of Michael Dwyer, second by Mitchell Marcus. Motion carried 3-0.

Tax Collector Committee Delegate Alternates - Michele L. Clewell upon a motion of Mitchell Marcus, second by Michael Dwyer. Motion carried 3-0.

Appointment of Appeals Board for Codes – Ralph Dinkle, with a (3) year term and John Baptist with a (1) year term upon a motion of Mitchell Marcus, second by Annette Atkinson. Motion carried 3-0.

Chairman of Vacancy Board – Robert Pohlman upon a motion of Michael Dwyer, second by Mitchell Marcus. Motion carried 3-0.

Planning Commission – Wayne Bolt with a (4) year and Parin Shah with a (4) year term upon a motion of Annette Atkinson, second by Mitchell Marcus. Motion carried 3-0.

Zoning Hearing Board - Josephine Ferro and Jeff Senholzi with (4) year terms each and Buz Radican and William St. Pierre as alternates upon a motion of Michael Dwyer, second by Annette Atkinson. Motion carried 3-0.

Emergency Management Director – Motion to nominate John Ferro upon a motion of Mitchell Marcus, second by Annette Atkinson. Motion carried 3-0.

Parks & Recreation Director – Mitchell Marcus upon a motion of Annette Atkinson, second by Michael Dwyer. Motion carried 3-0.

Regional Park Commission- John Ferro, Al Decker, Larry Shoemaker and Jeff Reichl upon a motion of Michael Dwyer, second by Annette Atkinson. Motion carried 3-0.

Economic Development Committee - Robert B. Chartock, Parin Shah, Bob Hetu, Ed Regina, Kent Matsumoto and Steve Feuer upon a motion of Mitchell Marcus, second by Annette Atkinson. Motion carried 3-0.

Representative to COG – Michael Dwyer with other two supervisors as alternates upon a motion of Annette Atkinson, second by Mitchell Marcus. Motion carried 3-0.

Voting Delegate at PSATS Convention - Mitchell K. Marcus upon a motion of Annette Atkinson, second by Michael Dwyer. Motion carried 3-0.

Regular meetings - Regular meetings of the Board of Supervisors for 2012 will be held the first Tuesday of every month at 7:00 P.M. and December 27, 2012 at 7:00 P.M., upon a motion of Michael Dwyer, second by Annette Atkinson. Motion carried 3-0.

Scheduled work sessions – The first Monday of every month at 8:00 A.M., and if needed Monday through Sunday at 8:00 A.M., 9:00 A.M., 2:00 P.M. and 7:00 P.M. upon motion of Mitchell Marcus, second by Michael Dwyer. Motion carried 3-0.

Set Treasurer's Bond - \$1,000,000 upon a motion of Michael Dwyer, second by Annette Atkinson. Motion carried 3-0.

Assistant Treasurer's Bond - \$1,000,000 upon a motion of Michael Dwyer, second by Annette Atkinson. Motion carried 3-0.

Blanket Employee Dishonesty Bond - \$1,000,000 upon a motion of Michael Dwyer, second by Annette Atkinson. Motion carried 3-0.

Depository of the General Fund, Payroll Account and Investments - Wayne Bank upon a motion by Annette Atkinson, second by Michael Dwyer. Motion carried 3-0.

Depository of the Sewer Fund - Wayne Bank upon a motion by Annette Atkinson, second by Michael Dwyer. Motion carried 3-0.

Depository of the Golf Course Fund - Wayne Bank upon a motion of Annette Atkinson, second by Michael Dwyer. Motion carried 3-0.

Depository for the State Fund - PNC BANK-MUNI-PLUS upon a motion of Michael Dwyer, second by Annette Atkinson. Motion carried 3-0.

Employee Handbook – Mitchell Marcus made a motion to adopt the amended employee handbook as policy. Annette Atkinson seconded the motion. Motion carried 3-0.

Bills that impact normal operation, are subject to discounts or penalties are payable when due with approval confirmation at the following meeting. (Examples, Payroll, taxes, electric, telephone, postage) upon a motion of Annette, second by Mike. Motion carried 3-0.

Set mileage rate at IRS guideline for use of personal vehicle on township business. Effective January 1, 2012 the standard mileage rate is 55.5 cents per mile upon a motion of Annette Atkinson, second by Bob Spano. Motion carried 3-0.

A question was asked if there are there any paid positions for items numbered 1 through 6. The answer was no.

There were numerous questions regarding Scott Schaller remaining on the Planning Commission. Attorney Gaul stated as far as Scott Schaller's appointment on the Planning Commission, the Municipal Planning Code, Section 206 provides the reasons that a member could be removed. Mike Dwyer stated that the removal of Scott Schaller from the Planning Commission should have been addressed in the Court Order but it was not.

A question was asked if any other banks been contacted for the depository institution of the township monies. Michael Dwyer said not yet, but we will be looking to see who is competitive.

Attorney Gaul stated that the Board of Supervisors need to pass separate motions regarding the new policy for the employee health insurance, comp time, Martin Luther King Day for the 2010 employee handbook.

Health, Dental and Vision Employee Coverage - Mitchell Marcus made a motion that any newly hired employee's health insurance will be covered 100% by Middle Smithfield Township, however, spouse and or dependents are out of pocket expenses to be paid by the employee. Annette Atkinson second the motion. Motion carried 3-0.

Comp. Time – Mitchell Marcus made a motion to allow employees to received comp time instead of receiving overtime pay. Michael Dwyer seconded the motion. Attorney Gaul stated that employees cannot lose comp time once it has been earned. The maximum amount allowed to accumulate is 240 hours. Motion carried 3-0.

Martin Luther King Day/Unity Diversity Day – Mitchell Marcus stated that the Township is officially adding Martin Luther King Day as a day the Township offices will be closed. Acknowledge that we have diversity within the township. Mitchell Marcus made a motion to add Martin Luther King Day/Unity Diversity Day as an official day the offices will be closed. Annette Atkinson seconded the motion.

There were several comments made regarding renaming a Federal Holiday

Mitchell Marcus withdrew his previous motion and made a motion to have Martin Luther King Day as a holiday. Annette Atkinson second the motion. Motion carried 3-0.

Annette Atkinson thanked everyone for submitting letters of interest to volunteer on numerous committees and stated that the Supervisors will be creating new boards, commissions, etc... and that she will contact everyone, by email and phone call.

Mr. Ronn Bradley who was just elected to the East Stroudsburg School Board asked if there be a liaison for the School Board. Mr. Bradley stated that there is a preliminary budget meeting on January 12th at the high school south and encouraged the Supervisors and members of the public to attend.

Mitchell Marcus stated that a liaison to the school board meetings will be discussed at the next work session.

Larry Dymond stated that he cannot believe the Supervisors are appointing Fred Courtright as the Township Engineer.

Pat Griffin stated that; Fred Courtright as Township Engineer, many times not open to public input.

Other Business

Approval of Minutes

Michael Dwyer made a motion to approve the December 8, 2011 minutes. Annette Atkinson second the motion. Motion carried 3-0.

Michael Dwyer made a motion to approve the December 19, 2011 minutes. Annette Atkinson second the motion. Motion carried 3-0.

Michael Dwyer made a motion to approve the December 29, 2011 minutes. Annette Atkinson second the motion. Motion carried 3-0.

Public comment will be taken at the end of the meeting.

Chairman's Report

Mitchell Marcus stated that the public should feel comfortable have a good Board of Supervisors with honesty and integrity.

Treasurers Report

Michael Dwyer stated that we are executing a TRAN (Tax Revenue Anticipation Note) 2012 for \$750,000 tomorrow. The TRAN 2012 will pay off the TAN 2011, (\$300,000) and the net of \$450,000 will get us through the first part of the year until tax revenues are received.

Approval of Payables

Mike Dwyer made a motion to approve the \$19,753,57 in payables. Annette Atkinson second the motion.

Questions were received regarding the money owed to Bob Pritz for the sewer capacity at CCP. Attorney Gaul stated that at the last meeting, the Board of Supervisors authorized him to contact Mr. Pritz's attorney. He stated that he did contact Attorney Wengiel and an agreement has been reached to give both parties a 60 day stand still, thereby, neither party would take any action on existing notes. Attorney Gaul stated that he is waiting to received a letter indicating the conversation and will notify the Supervisors once that is received.

Attorney Gaul stated that 60 days does not allow the Board of Supervisors to put it on the side.

There was discussion regarding the sale of the Fernwood Hotel and how much the transfer tax would be for the township.

Motion carried 3-0 to pay the payables.

Solicitor Report

Resolution 2012-01-01; Plan application and retainer fee calculation form

Resolution 2012-01-02, Other than residential building code fee schedule

Resolution 2012-01-03, Residential building code fee schedule

Resolution 2012-01-04, General fee schedule

Michael Dwyer made a motion to adopt all (4) Resolutions. Annette Atkinson second the motion. Motion carried 3-0.

Public Comment non-agenda items)

Mitchell Marcus stated that we are going to keep public comment to 3 minutes. Everyone has a right to express their view points, but no need to get people riled up.

There were several public safety issues regarding the conditions of either State Roads, such as Route 209 in front of CCP and Township Roads such as: Village Drive where vehicles are driving in the shoulder and rocks are flying up. Michael Dwyer stated he will look into it.

A question was asked if anything can be done about a bright that blinds drivers when traveling on Tom X Road. The light is situated in the parking lot of the Tom X Restaurant. Michael Dwyer stated that he will look into it.

There was discussion regarding the Tom X and Village Drive intersection and that it was only ever intended to be an emergency exit.

A question was asked as to when the back entrance at CCP will be closed as the six month extension to the HOP for Tom X and Village Drive will expire May 21, 2012.

Questions were asked regarding the Fran Malsch \$800,000.00 Collateral Mortgage that the prior Supervisors approved and the John Petrizzo lease. Attorney Gaul stated that he is looking into them both.

Mitchell Marcus announced that the March of Dimes Golf for Babies was given the money from the golf tournament held in the fall of 2011.

A question was asked if the Supervisors are going to open the golf course this year. Mitchell Marcus stated that the Supervisors have not make a definitive decision yet and if it should open, we would need a staff, but at this point the course and clubhouse is closed. Don't have a date of when it will open.

Mitchell Marcus stated that an option is to sell the golf course or maintain it so that it does not go to seed. The cost is \$300,000 to maintain. The Supervisors will continue to have discussion with the Ad Hoc k committee (not to self: this sommittee is called the "Golf Preservation Committee".)

There was discussion regarding a traffic light out on Route 209 for CCP. Mike Dwyer stated that this will be discussed at the next work session.

Mitchell Marcus made a motion to go into executive session at 9:00 P.M. to discuss personnel and legal matters. Michael Dwyer seconded the motion. Motion carried 3-0.

Mitchell Marcus made a motion to reconvene the meeting at 9:40 P.M. Annette Atkinson second the motion. Motion carried 3-0.

Mitchell Marcus made a motion to adjourn the meeting at 9:41 P.M. Annette Atkinson second the motion. Motion carried 3-0.

Respectfully submitted,

Michele L. Clewell
Township Secretary
January 3, 2012

BOS Bill List for Approval January 3, 2012

General Fund

Vendor	Amount	Check #	
209 Enterprises	\$ 306.18	3527	Road Material
Bergey's Inc.	\$ 611.93	3528	Parts Road Dept.
Dawn Lewis & Shephen Raymond	\$ 40.02	3529	Assessment Tax Refund
Demetrius & Wendy Walker	\$ 73.23	3530	Assessment Tax Refund
Diesel Systems, Inc.	\$ 150.00	3531	Parts Road Dept
EMC Insurance	\$ 15,246.00	3532	Township Liability Insurance
Fisher & Son Company	\$ 298.77	3533	Golf Course Chemicals Greens
Five Star Equipment	\$ 286.07	3534	Parts Road Dept.
Hellers Gas, Inc.l	\$ 414.50	3535	Propane CCP Clubhouse
ITI Trailers and Truck Bodies, Inc.	\$ 166.80	3536	Parts Road Dept.
Louis & Karen Pallito	\$ 24.47	3537	Assessment Tax Refund
Pennsylvania Muni Retirement	\$ 760.00	3538	Pension Plan 2012 Admin Fee
Reliable Signs & Striping	\$ 133.60	3539	Road Sign, post, etc.
Stauffer Diesel Inc.	\$ 280.09	3540	Parts Road Dept.
The Filter Man, Inc.	\$ 97.00	3541	Golf Course Equipment Filters Kitchen
Waste Management	\$ 863.91	3542	(2 invoices) Township and Golf Course
General Fund Grand Total	\$ 19,752.57		