

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Thursday, January 24, 2013 at 7:00 p.m. at the Schoonover Municipal Building with Annette Atkinson presiding.

Members present: Annette Atkinson, Michael Dwyer and Mitchell Marcus. Also attending, Township Solicitor Michael Gaul, Esquire, Township Engineer Fred Courtright, P.E., Township Secretary Michele Clewell, Township Zoning Officer Wayne Rohner and Stenographer Donna Kenderdine.

Annette Atkinson stated that Wayne Bolt, member of the Middle Smithfield Township Planning Commission suffered a loss, as his wife passed away last week.

Approval of Minutes

Annette Atkinson made a motion to approve the January 7, 2013 minutes. Mitchell Marcus seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to approve the January 22, 2013 minutes. Mitchell Marcus seconded the motion. Motion passed 3-0.

Report of Executive Session

Attorney Gaul reported that an executive session was held prior to this meeting regarding the Hott PA litigation and other Township legal matters.

Public Hearing

Donna Kenderdine took a stenographic record of the public hearings.

Adams Outdoor Advertising, Inc. Conditional Use Application - Annette Atkinson made a motion to open the public hearing. Mitchell Marcus seconded the motion. Motion passed 3-0.

Attorney Gaul stated that the applicant has requested a continuation to Thursday, February 28, 2013 as the Zoning Hearing Board has not ruled on the request for a variance and this conditional use hearing is premature.

Annette Atkinson made a motion to continue the conditional use application public hearing until February 28, 2013 and re-advertise the public hearing. Mitchell Marcus seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to close the public hearing. Mitchell Marcus seconded the motion. Motion passed 3-0.

Proposed Ordinance No. 191 Creating a Historical Commission - Annette Atkinson made a motion to open the public hearing. Mitchell Marcus seconded the motion. Motion passed 3-0.

Attorney Gaul presented the Exhibits and entered them into the record. Attorney Gaul recommended that the final version be adopted. Annette Atkinson made a motion to adopt Ordinance No. 191. Mitchell Marcus seconded the motion.

Steven Kulick thanked the Board of Supervisors for adopting the ordinance.

Motion passed 3-0.

Annette Atkinson made a motion to close the public hearing. Mitchell Marcus seconded the motion. Motion passed 3-0.

Correspondence

Eastern Monroe Public Library - A letter was received from the Eastern Monroe Public Library requesting permission to use the meeting room for the 2013 summer reading program. Annette Atkinson made a motion to allow the EMPL use of the meeting room from 8:30 am to 12:00 pm on June 10, 17 & 24; July 8, 15, 22 & 29 and August 5 – eight sessions total. Mitchell Marcus seconded the motion. Motion passed 3-0.

Suburban EMS - A letter was received from Suburban EMS thanking the Board of Supervisors for the 3rd quarter franchise payment for 2012.

Treasurer's Report

Michael Dwyer stated that the Township remains in good financial health and continue to fund expenses without a tax anticipation note. The Public Works Department has had some overtime due to weather conditions and is expected and part of the budget. Large expenses have not incurred to date. On January 11, 2013 the Supervisors met with Lehman and Smithfield Township Supervisors as well as Pat Calpin, recycling consultant to discuss a recycling program. A recycling grant was applied for in 2012 and we have learned that a majority of it will be given.

Approval of Payables - Michael Dwyer made a motion to approve the General Fund payables in the amount of \$10,315.18. Mitchell Marcus seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to approve the Sewer Fund payables in the amount of \$92,186.75. Mitchell Marcus seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to approve the Golf Course payables in the amount of \$50.00. Mitchell Marcus seconded the motion. Motion passed 3-0.

Monroe County Assessment Office Refund Request - Michael Dwyer made a motion to refund (19) tax assessment appeal requests totaling \$646.07. Mitchell Marcus seconded the motion. Motion passed 3-0.

Solicitors Report

CCP Phase 3 Section 5 – Attorney Gaul stated that a letter was received from the applicant’s attorney, Charles Vogt, Esquire a letter extending the deadline to render a decision on the plan until May 15, 2013. Annette Atkinson made a motion accept the letter of extension. Mitchell Marcus seconded the motion. Motion passed 3-0.

Hott PA, Inc. Land Development Plan – Attorney Gaul stated that a request for a (60) day extension has been received and recommends acceptance. Annette Atkinson made a motion to table action until February 14, 2013 and accept the (60) day extension. Mitchell Marcus seconded the motion. Motion passed 3-0.

Middle Smithfield Township and ESSD Memorandum of Understanding – Attorney Gaul stated that the “MOU” formalizes when the use of school district facilities are used in the event of an emergency and recommends approval. Annette Atkinson made a motion to approve the “MOU with the East Stroudsburg Area School District. Mitchell Marcus seconded the motion. Motion passed 3-0.

Engineers Report

White Heron Lake Minor Subdivision Plan and (2) Requests for Modification of Regulations – Ray Rogers, P.L.S. of Frank J. Smith, Jr., Inc. P.L.S. presented the plan and two modification requests. Mr. Rogers stated that this is an addition of a ¼ acre of community land to a lot within White Heron Lake.

Fred Courtright recommends approval of the plan subject to receiving payment for any outstanding fees.

Annette Atkinson made a motion to grant the modification requests and approve the plan subject to payment for any outstanding fees being paid. Mitchell Marcus seconded the motion.

Larry Dymond asked what are the next steps and if the property needed to be posted. Fred Courtright explained what the next steps are in order for the plan to be recorded and Attorney Gaul stated that the property does not need to be posted.

Motion passed 3-0.

Eric R. Tesche Minor Subdivision Plan and (2) Requests for Modification of Regulations – Ray Rogers, P.L.S. of Frank J. Smith, Jr., Inc. P.L.S. presented the plan and two modification requests.

Mr. Rogers stated that this is a 100 acre tract and the owner is cutting off a 20 acre parcel in order to sell to a friend. This was formally designed for a major subdivision, however now it will only be for two individuals for hunting land. One access is the old Resica Road that is not a public road.

Attorney Gaul stated that he has reviewed the information and has questions regarding how the access easement is in the chain of title and asked the Board of Supervisors to table action in order for further review of the documents.

Fred Courtright stated that the Planning Commission recommended approval of the plan and the (2) modifications. Mr. Courtright also stated that the Planning Commission solicitor needed to look at the notes and the Township Solicitor should be comfortable with the information presented; therefore he would recommend the Board of Supervisors take no action and table the matter.

Annette Atkinson made a motion to table action until the February 14, 2013 meeting. Michael Dwyer seconded the motion. Motion passed 3-0.

Earl Weiss Minor Subdivision, (1) Request for Modification and Sewage Planning Modules – Ray Rogers, P.L.S. of Frank J. Smith, Jr., Inc. P.L.S. presented the plan and one modification request.

Mr. Rogers stated that in order to settle the Estate, the (95) acre tract of land is to be cut in half.

Fred Courtright stated in his letter dated January 18, 2013 that the Planning Commission recommends approval of the plan and modification requested.

Annette Atkinson made a motion to approve the plan with the modification request subject to all township fees being paid. Mitchell Marcus seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to accept and forward the sewage planning modules to PA DEP. Mitchell Marcus seconded the motion. Motion passed 3-0.

Wawa Request for Reduction of financial Security No. 2 – Fred Courtright reported that a letter was received from Sellersville Junction Development, L.P. on December 11, 2012 and upon inspection of the site recommends release of \$140,962.80 as requested, leaving a balance of \$120,042.25 as security.

Annette Atkinson made a motion to release \$140,962.80 as recommended by Fred Courtright. Mitchell Marcus seconded the motion. Motion passed 3-0.

Larry Dymond asked if the Township oversee the installation of underground fuel tanks. Fred Courtright stated that they do not; they are regulated by outside agencies. Michael Dwyer stated that the Township does not inspect or certify means and methods.

New Business

Schedule Spring Cleanup – Michael Dwyer stated that electronics will be disposed of under state regulations and to reduce expenses the Township will separate items for organizations such as Salvation Army, Bushkill Outreach.

Richard Kowski asked what the price is. Michael Dwyer stated that the rates will probably be the same as last year but the rates have not been determined yet.

Annette Atkinson made a motion to set the cleanup dates for May 3rd and May 4th. Michael Dwyer seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion authorizing the Township Secretary to advertise for sealed bids. Annette Atkinson seconded the motion. Motion passed 3-0.

Annette Atkinson discussed the HOA/POA board members only meeting with the Board of Supervisors on February 23, 2013 between 10am – 1pm.

Resolution 02-2013-01 Golf Course Pricing – Annette Atkinson made motion to approve the amended resolution that corrects the seniors pricing for 9 holes of golf during the 2013 golf season. Michael Dwyer seconded the motion. Motion passed 3-0.

Hurricane Sandy Update – Michael Dwyer reported that he attended an applicants briefing where FEMA and PEMA went through the process for reimbursement for damages for municipalities. Middle Smithfield Township put in for over \$85,000.00. There are additional expenses to be approved by FEMA which would cover 75% of the expenses and although PEMA has not made a determination of what they will cover, it is assumed it will be 25%. Mr. Dwyer also stated that he will be meeting with FEMA on February 4, 2013.

Public Comment

Joe Catalfamo questioned the Township Solicitors bill as shown on the bill list. Attorney Gaul stated that a Right-to-Know request must be filled out to receive any documents.

Larry Dymond asked if the Township Solicitor submits his bills on a monthly basis, Annette Atkinson replied yes.

Larry Dymond stated that there are numerous trees hanging over Lakeview Drive. Michael Dwyer stated that although this is a state road, Middle Smithfield Township does have an Agility Agreement with PennDOT. PennDOT has been contacted regarding the tree overhang and we are waiting to hear back from them to get their permission to trim the overhang.

Larry Dymond questioned why there are (2) different gas companies on the payables list. Michael Dwyer stated that he does not know why there are two. Steven Kulick stated that the Supervisors need to take a hard look at the NO PARKING ZONES within the Township. He stated that Chestnuthill Township has an ordinance and he will forward it to the Township.

There being no further business, Annette Atkinson made a motion to adjourn the meeting at 7:59 p.m. Mitchell Marcus seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell, Township Secretary
January 24, 2014

General Fund 01-24-2013

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
01/24/2013	10297	Allstate Septic Systems, LLP	inv 220229 Echo/Ressica handicap units	-260.00
01/24/2013	10298	EMC Insurance Companies	inv 35150035 policy change linebacker coverage	-7,696.00
01/24/2013	10299	GreatAmerican Leasing Corp	inv 13206785 xerox copier	-304.50
01/24/2013	10300	Lawson Products, Inc.	inv 9301369836 misc cleaners	-56.24
01/24/2013	10301	Panko Reporting	inv 27755tf Adams Outdoor zoning hearing board	-621.00
01/24/2013	10302	Pocono Mts. C.O.G.	2013 membership fee	-200.00
01/24/2013	10303	Pocono Produce	inv 454348 paper towels/coffe filters	-132.50
01/24/2013	10304	Reilly Associates.	inv 12 CCP Phase III Sect 5 review	-319.20
01/24/2013	10305	Staples Contract and Commercial	7000415969/428829/428830 office supplies	-291.74
01/24/2013	10306	USA Trophies & Awards	inv 452 Name plates	-74.00
01/24/2013	10307	Valuation Engineers, Inc	inv 07101 annual revaluation service	<u>-360.00</u>
				-
				<u>10,315.18</u>

Golf Course payables 01-24-2013

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
01/24/2013	2192	Stephanie Claeps	Bartender - New Yrs Eve party	<u>-50.00</u>
				<u>-50.00</u>

