

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Thursday, February 28, 2013 at 7:00 p.m. with Annette Atkinson presiding.

Members present: Annette Atkinson, Michael J. Dwyer and Mitchell K. Marcus. Also in attendance, Township Solicitor Michael Gaul, Esq., Township Engineer Fred Courtright, Township Secretary Michele Clewell, Stenographer Donna Kenderdine and numerous interested parties and residents.

Approval of Previous Minutes

Annette Atkinson made a motion to approve the February 14, 2013 minutes. Michael Dwyer seconded the motion. Motion passed 3-0.

Report of Executive Sessions

Attorney Gaul reported that an executive session was held prior to the meeting regarding pending township legal matters. Annette Atkinson stated that an executive session was held on February 22, 2013 during a work session regarding personnel matters.

Public Hearing

Donna Kenderdine took a stenographic record of the public hearing.

Conditional Use Application of Adams Outdoor Advertising – Annette Atkinson made a motion to open the public hearing at 7:05 p.m. Mitchell Marcus seconded the motion. Motion passed 3-0.

Attorney Gaul stated that the conditional use hearing is on the Adams Outdoor Advertising's application for approval of a billboard use.

Attorney Gaul explained the procedures for a conditional use hearing heard by the Board of Supervisors. Attorney Gaul stated that although it will not delay the hearing tonight, the Board of Supervisors will authorize the Planning Commission to have the Planning Commission Solicitor enter an appearance on behalf of the Planning Commission and the cost will be paid by the township. Whether the Planning Commission solicitor actually enters his appearance will be up to the Planning Commission. The Board of Supervisors is not taking any particular position on the matter, but is instead merely informing the Planning Commission that in Conditional Use applications, the Board is willing to approve the expense of the Planning Commission solicitor to be involved, in the event that the Planning Commission was under the impression that the Board would not consider such expense approved, and would not pay for such expense.

Attorney Gaul announced that anyone that wishes to be a party to the proceedings to please fill out the sign in sheet.

Attorney Gaul stated that the application is under Section 990; Off Premise Signs, Billboards.

Following questioning by Attorney Gaul, John Petrizzo signed in as a party to the proceedings as he is an adjoining property owner.

Larry Dymond was denied standing upon a motion of Mitchell Marcus and seconded by Michael Dwyer. Motion carried 3-0. Attorney Gaul stated that although Mr. Dymond is not a party he may still comment at the end of the hearing.

Attorney Cavacini, applicant's attorney stated that the reason for the conditional use hearing is for a two sided billboard that will be attached to a uni pole, digital sign. There is currently a non conforming sign that was erected in the 1960's.

The township exhibits were entered into the record.

Lois Arciszewski of Adams Outdoor Advertising provided testimony and the entered applicants exhibits 10-15, 18, 19, 20, 1-9, 7, and 30 into the record.

Annette Atkinson made a motion to go into executive session for legal matters at 8:40 p.m. Mitchell Marcus seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to reconvene the meeting at 8:50 p.m. Michael Dwyer seconded the motion. Motion passed 3-0.

The following exhibits were entered into the record on behalf of the applicant; 16, 17, 21-29, 31-33.

Following the acceptance of the exhibits, the board of supervisors stated that another meeting will need to be scheduled and the transcript ready prior to the next meeting.

The next meeting will be held on Wednesday, March 20, 2013 at 7:00 p.m. No additional advertisement will be done as this is a continuation of the public hearing, but a special meeting advertisement will be placed in the newspaper.

Annette Atkinson made a motion to adjourn the public hearing until March 20, 2013. Mitchell Marcus seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to authorize the planning commission solicitor to enter his appearance on behalf of the planning commission and the expenses will be paid by the township. Michael Dwyer seconded the motion. Motion passed 3-0. The township secretary was asked to send the letter to the planning commission informing them that the Board of Supervisors had authorized the expense related to the entry of appearance of the planning

commission solicitor in conditional use hearings if planning commission authorizes and directs the Planning Commission solicitor to do so.

Treasurer's Report

Michael Dwyer stated that February was a good month. A used bucket truck and new plow truck were purchased. A meeting with FEMA was held regarding Hurricane Sandy and we expect to have part of the reimbursement coming in soon. The POS (Point of Sale) system has been installed at the clubhouse and works well. The sewer collections have improved; thanks to Lisa Philips for her hard work.

Prospective contractors have been met with regard spring road work.

Richard Kawski asked if Debbie Manter has insurance and a contract now to provide cleaning services. Annette Atkinson stated that Mrs. Manter always had the insurance but it is now on file. Additional questions were answered with regard to the payables from last month.

Hal Harris stated that he would like to get his reimbursement back from his daughter's sweet 16 birthday party back as the time frame is too long to get money back. Annette Atkinson stated that a return of security deposit will be reviewed.

Approval of Payables

Michael Dwyer made a motion to approve the general fund payables in the amount of \$144,477.78. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to approve the sewer account payables in the amount of \$59,629.89. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to approve the golf course payables in the amount of \$11,928.42. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to approve the liquid fuels payables in the amount of \$38,730.32. Annette Atkinson seconded the motion. Motion passed 3-0.

Larry Dymond asked if the minutes were approved yet. Annette Atkinson said yes they were, at the beginning of the meeting for which he was not present. Mr. Dymond questioned some of the statements he made under public comment in the previous minutes and asked that the minutes be corrected to state that he did receive information from Commissioner Moyer and that he could bring information to the next meeting and put it up on the screen and that Monroe County court did not rule in favor of the township with regard to Mr. Catafalso's lawsuit. Annette Atkinson stated that the minutes would not be corrected; however the minutes of this meeting will reflect his objections.

Solicitors Report

Eric Tesche Minor Subdivision Plan – Attorney Gaul stated that they are still working on the final format of the plan and a letter was received from Ray Rogers, P.L.S. of Frank J. Smith, Jr., Inc. P.L.S. granting a time waiver until May 24, 2013 to render a decision on the plan. Annette Atkinson made a motion to accept the time waiver. Mitchell Marcus seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to table the Eric Tesche Minor Subdivision Plan until the March 14, 2013 meeting. Mitchell Marcus seconded the motion. Motion passed 3-0.

Hiawatha Road Agreement of Vacation – Attorney Gaul stated that an agreement has been draft with the Hiawatha Hunting Club for the township's consideration to vacate a portion of Hiawatha Road. The next step is to notify the property owners that an ordinance would be required. Attorney Gaul stated that this is just the beginning of a long process.

Michael Dwyer made a motion to approve executing the agreement to proceed with the vacation of a portion of Hiawatha Road. Mitchell Marcus seconded the motion.

Larry Dymond questioned what would happen to the vacated property. Attorney Gaul stated that the vacated property would revert to the hunting club.

John Petrizzo brought up the Lake of the Pines intersection of Route 209 and Edward Smith Blvd and the plan for the Edward Regina billboard. Attorney Gaul stated that the Board of Supervisors should not hear what he has to say about the hearing because the other parties are not here. Mr. Petrizzo agreed not to speak about the conditional use hearing.

Motion passed 3-0.

Engineers Report

Advantage Electric Final Payment – Fred Courtright reported that Advantage Electric submitted their request for final payment in the amount of \$13,672.34 for work at the Route 209/Oak Grove sewage pump station. Mr. Courtright stated that he recommends payment be made as the work has been completed. Michael Dwyer made a motion to pay Advantage Electric \$13,672.34. Annette Atkinson seconded the motion. Motion passed 3-0.

New Business

Resolution No. 02-2013-04 Middle Smithfield Township Fee Schedule – Michael Dwyer made a motion to approve the revised fees schedule. Annette Atkinson seconded the motion. Motion passed 3-0.

Resolution 02-2013-05 Placement of Banners Across a State Highway or Within the Highway Right of Way. Annette Atkinson made a motion to approve. Michael Dwyer seconded the motion.

Hal Harris asked that Resolution 02-2013-05 be amended so that it would allow for businesses to put up banners also. Annette Atkinson stated that No. 9 of the resolution allows businesses to place a banner once a year for any reason, and for a charitable event that the business is sponsoring.

Attorney Gaul stated that PennDOT said only charitable organizations and municipalities can put up banners and ultimately it is PennDOT that must approve the resolution before the township can issue permits. Annette Atkinson stated that the resolution can always be later amended and sent again to PennDOT for approval.

Motion passed to forward the resolution to PennDOT 3-0.

Personnel Hired – Annette Atkinson made a motion to retroactively hire Steven Natiello part time as an intern. Mitchell Marcus seconded the motion. Motion passed 3-0.

Old Business

HOA Meeting Update – Michael Dwyer stated that the meeting was held on Saturday, February 23, 2013 and 30 communities were represented with over (60) persons in attendance. There are discussions to host a meeting quarterly in order to continue to have a relationship with the communities.

Public Comment

John Petrizzo questioned if Hiawatha Road was vacated. Attorney Gaul stated that the Supervisors only agreed to how to handle the paperwork but no it has not been vacated yet. Mr. Petrizzo stated that there are a lot of problems trying to track deeds when this happens.

Hal Harris stated that he would have hoped the Board of Supervisors would have changed Resolution No. 02-2013-05 before sending to PennDOT. Attorney Gaul stated that the contents of the resolution are for the most part taken from a PennDOT supplied example of an acceptable resolution.

Annette Atkinson made a motion to adjourn the meeting at 10:15 p.m. Mitchell Marcus seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell,

Township Secretary
February 28, 2013

General Fund Payables 02-28-2013

Date	Num	Name	Memo	Amount
02/13/2013	10387	Alfred S. Arnst	reimburse for gas for new bucket truck	-100.00
02/13/2013	Trf	Middle Smithfield Township	Payroll Funds Transfer	-47,312.35
02/22/2013	10388	The Hartford -Priority Accounts	inv 6194256-1	-1,121.35
02/27/2013		Middle Smithfield Township	Payroll Funds Transfer	-41,325.82
02/28/2013	10389	Andre and Andres Cruz	09/96816/61c tax assessment refund	-8.10
02/28/2013	10390	BIU of PA, Inc.	inv 0100-0120-028757 Jan	-4,352.51
02/28/2013	10391	BWP-Carquest Auto Parts	inv 8348-32128 fuel filter	-13.53
02/28/2013	10392	Claude S. Cyphers, Inc	inv 607999/608052/359/384/402/477	-548.37
02/28/2013	10393	Cramer's Home Center	inv 847791 mail box replacement	-57.59
02/28/2013	10394	David L. & Gail M. Rose	09/98842 tax assessment refund	-49.95
02/28/2013	10395	Debbi Manter	inv 1033 cleaning Admin bldg	-778.00
02/28/2013	10396	Francis C. Disalvo	inv 154352 drive tool set	-289.75
02/28/2013	10397	GreatAmerican Leasing Corp	inv 13329254 copier lease	-304.50
02/28/2013	10398	King, Spry, Herman, Freund & Paul LLC	inv 79856-79875 legal inv N3807140 annual lease for postage machine	-16,552.50
02/28/2013	10399	Mailfinance		-463.38
02/28/2013	10400	Maurico & Gloria Alvarado	09/89254 tax assessment refund	-18.71
02/28/2013	10401	Met Ed	100073577916 Sellerville light	-29.48
02/28/2013	10402	Miggys Five	a/c 15 kitchen supplies	-32.38
02/28/2013	10403	Paula Steele Dozier/Frankie C Dozier	09/85690 tax assesment refund	-105.72
02/28/2013	10404	Penteledata	inv B1914744 email	-13.11
02/28/2013	10405	PMRS	45-027-5n new member fee	-20.00
02/28/2013		Pocono Mts. C.O.G. Professional IT Computer Solutions LLC	VOID: auction	0.00
02/28/2013	10406		inv 136/139 computer repairs	-744.00
02/28/2013	10407	R.J. Groner Inc.	1636-45993/1636-47574 boiler repairs	-260.00
02/28/2013	10408	Reliable Sign	inv 924/925 signs	-1,437.78
02/28/2013	10409	Stork's Automotive Inc	inv 70986 used fisher mount	-200.00
02/28/2013	10410	Verizon	570223892064559y	-625.34
02/28/2013	10411	Verizon Wireless	inv 6853674123	-471.87
02/28/2013	10412	Victor and Dawn Gordon	09/96867 tax assessment refund	-39.81
02/28/2013	10413	Warehouse Battery Outlet, Inc	inv 218735 battery	-118.74
02/28/2013	10414	Met Ed	100036091245 bldg B	-789.11
02/28/2013	10415	Met Ed	100016951467 bldg A	-1,073.85
02/28/2013	10416	Met Ed	100016915751 Municipal signal	-17.84
02/28/2013	10417	Allstate Septic Systems, LLP	inv 220992 Echo/Ressica	-260.00
02/28/2013	10418	BIU of PA, Inc.	0100-0120-028807	-1,487.50
02/28/2013	10419	Bradco Supply Co	inv 90982 signs	-293.30
02/28/2013	10420	BWP-Carquest Auto Parts	8348-32339/32481/32486/33550	-58.31
02/28/2013	10421	Colours 06	inv 1820056/1820911	-228.74
02/28/2013	10422	Cramer's Welding & Repairs	inv 231840 stainless plate	-15.00
02/28/2013	10423	E.M. Kutz	inv 43602-IN parts	-191.00
02/28/2013	10424	First Insurance Funding Corp	12101-0066-1674635	-9,364.17

02/28/2013	10425	Five Star Equipment	inv 1211755 repair transmission	-4,364.20
02/28/2013	10426	Frazetta's Fantasy Costumes	Big bunny head rental for egg hunt	-100.00
02/28/2013	10427	Friedman Electric	inv S015070016.001	-558.00
02/28/2013	10428	Glenn Kreckman Co	inv 4522 install new radios	-200.00
02/28/2013	10429	GTS-Welco	inv 23292491 oxygen k	-27.33
02/28/2013	10430	Kimball Midwest	inv 2822533 wheel/fuse holder	-60.86
02/28/2013	10431	Macmillan Oil	inv 26284 motor oil	-749.50
02/28/2013	10432	Matergia and Dunn	inv 2000110-00 Zoning hearing board inv 855752 facility ID 45-07373 storage tank permit	-2,100.00
02/28/2013	10433	PA DEP		-100.00
02/28/2013	10434	Pocono Peterbilt	invs 317843/317612/317844	-97.10
02/28/2013	10435	R.J. Groner Inc.	inv 1636-47792 boiler repairs	-973.58
02/28/2013	10436	Reilly Associates.	inv 13 CCP Phase III invs	-1,025.85
02/28/2013	10437	Staples Contract and Commercial	7000475850/478747/487972/489610/489611	-424.19
02/28/2013	10438	Stephenson Equipment	inv 15013740 knives	-265.55
02/28/2013	10439	Stroudsburg Electric Motor	inv 081135 chipper blades	-180.00
02/28/2013	10440	The Hartford -Priority Accounts	inv 6225673-0 insurance	-1,121.35
02/28/2013	10441	Varkados Telecom, Inc.	inv 4588 voice mail repair	-60.00
02/28/2013	10442	Waste Management	inv 2724871-0821-4	-393.33
02/28/2013	10443	AFLAC	March	-503.48
				<u>-</u>
				<u>144,477.78</u>

Golf Course Payables 02-28-2013

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
02/28/2013	2209	Amerigas	inv 800913130 repairs to propane line	-1,308.91
02/28/2013	2210	Blue Ridge Communications	a/c 0109950-03	-49.95
02/28/2013	2211	Debbie Manter	inv 1033 club house cleaning 2/1	-75.00
02/28/2013	2212	Eastern Alarm Systems, Inc.	inv 32410 fire alarm repairs Inv J80888 balance thermostat replacements	-55.00
02/28/2013	2213	Hannaberry HVAC		-1,981.50
02/28/2013	2214	Hellers Gas, Inc.	inv 84226 propane	-1,361.91
02/28/2013	2215	Lawn & Golf Supply Co.	inv I24147/I24257	-373.72
02/28/2013	2216	Macmillan Oil Co. Allentown, Inc.	inv 26111 motor oil	-530.00
02/28/2013	2217	Met-Ed	100081748855 golf course pump house inv NSP07144313 elevator service contract	-83.40
02/28/2013	2218	Otis Elevator		-3,183.60
02/28/2013	2219	PA American Water	2420746287 big ridge	-181.78
02/28/2013	2220	Professional IT Computer Solutions LLC	inv 138 instal new computers for proshop	-200.00
02/28/2013	2221	The Antigua Group, Inc.	inv 3757448 ladies shirts for pro shop	-918.78
02/28/2013	2222	Turf Equipment & Supply Co.	inv 823646-00 parts	-1,090.13
02/28/2013	2223	Verizon	570223814063192Y alarm	-91.12
02/28/2013	2224	Waste Management	inv 272486-0821-3 clubhouse	-90.12
02/28/2013	2225	Met-Ed	100085171773 guard shack	-70.65
02/28/2013	2226	PA American Water	2420746279 big ridge drive	-14.21
02/28/2013	2227	Verizon	570223737828754y fire	-125.53
02/28/2013	2228	Waste Management	inv 2724877-0821-1 Maint bldg	-99.33
02/28/2013	2229	Met-Ed	100081784231 big ridge drive	-43.78

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11,928.42

Liquid Fuels Payables 02-28-2013

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
02/28/2013	1099	Hanson Aggregates Inc	inv 2272873/3257/3906/6522/6951 1/4 inch wash	- 11,649.01
02/28/2013	1100	Cargill Incorporated	inv 2900967591/70654//3865/80384/83080 de-icer	-9,541.21
		American Rock Salt Co,		-
02/28/2013	1101	LLC	inv 347873/349070/346481 salt	<u>17,540.10</u>
				-
				<u>38,730.32</u>