

The Middle Smithfield Township Board of Supervisors regular meeting held on Tuesday, March 6, 2012 at 7:00 P.M. at the Schoonover Municipal Building with Mitchell K. Marcus presiding.

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

Chairman's Report

Mitchell Marcus thanked fellow Supervisors on the Township newsletter and finances.

Administrative Directors Report

Annette Atkinson announced that the Monroe County Control Center mailed out the Enhanced 911 readdressing letters on February 17, 2012 and if anyone has any questions to please contact Erin Groome at the Township. Mrs. Atkinson thanked Erin Groom and Maria Oliveras for the extra effort put forth regarding the numerous inquiries regarding change of addresses.

Annette Atkinson stated that the employee sensitivity seminar has been schedule and the tax seminar is being set up and the date will be announced in the coming weeks. Other announcements included; bookkeeping department will have internet banking and an enterprise level email system will be forthcoming.

Treasurers Report

Michael Dwyer stated that through February we are making progress with payments on a lot of the 2011 debt and that accounts payable (60) days overdue is down to \$2,500.00. This figure does not include loans. Other announcements included: anticipating less revenue from the State for the State Police fines, retaining the professional services of T.K. Beckett Associates, LLC in order to pay Bob Pritz for sewer capacity at Country Club of the Poconos, approval from FEMA to do repair work on the Community Drive retaining walls.

Approval of Payables

Michael Dwyer made a motion to approve the General Fund bills totaling \$176,840.86. Annette Atkinson seconded the motion. Motion carried 3-0.

Michael Dwyer made a motion to do an interfund transfer (Golf Course Fund to the General Fund) in the amount of \$51,265.44. Annette Atkinson seconded the motion. Motion carried 3-0.

Public Works Directors Report

Michael Dwyer stated that MST is preparing to host and participate in an auction that will include other municipalities in April 2012. The pavilion from the closed flea market will be removed and installed at the Echo Lake Park. The lights in the parking area of the Tom X Restaurant have been adjusted for better visibility, a gate has been installed at the Golf Course to stop illegal access, the little

league will begin in April. Mr. Marcus has agreed to meet with Gail Kulick of Resica Elementary School regarding the ball field at the school, a date will be announced later in the meeting for Spring cleanup and we are working toward obtaining the 2nd oldest structure in the Township, which is a log cabin in order display Township history.

Public Comment - (non agenda items)

The following public comment was received: road material and labor cost savings regarding the mild winter weather, MST should get the park trailer back from Lehman Township and put it at the Judy Putek Memorial Park. Mitchell Marcus stated that he would contact Albert Decker next week in order to schedule a meeting to further discuss the township parks.

Approval of Minutes

Mitchell Marcus made a motion to amend the February 7, 2012 minutes. Following lengthy discussion, Mitchell Marcus withdrew his previous motion and made a motion to approve the minutes as presented by the Township Secretary. Annette Atkinson seconded the motion. Motion carried 3-0.

Public Hearing

A stenographic record was taken by Donna Kenderdine of Donna Kenderdine Reporting.

Ordinance No. 185 Enhanced 911 Re-Addressing; Michael Dwyer made a motion to open the public hearing. Annette Atkinson seconded the motion. Motion carried 3-0.

Michael Dwyer made a motion to close the public hearing. Annette Atkinson seconded the motion. Motion carried 3-0.

Mitchell Marcus made a motion to adopt Ordinance No. 185 as amended. Annette Atkinson seconded the motion. Motion carried 3-0.

Correspondence

Notice was received from Storb Environmental Incorporated regarding downstream notification and public notice for; Pipeline Petroleum, Inc. for bulk petroleum storage plan located at Route 402 and Route 6 in Palmyra Township, Lehman Township.

A letter was received from Bushkill Emergency Corps thanking the Supervisors for the quarterly donation made from the Cable Franchise Fee.

A letter was received from Bushkill/Smithfield's Lion club requesting permission to solicit donations during the MST spring cleanup.

Annette Atkinson made a motion denying the request of the Bushkill/Smithfield's Lion Club to solicit donations during the spring cleanup. Mitchell Marcus seconded the motion. Motion carried 3-0.

Solicitors Report

Resolution No. 03-2012-01; Implementing the National Incident Management System – Mitchell Marcus made a motion to approve Resolution No. 03-2012-01. Annette Atkinson seconded the motion. Motion carried 3-0.

Resolution No. 03-2012-02; Creating an Advisory Committee to be known as the Middle Smithfield Township Municipal Golf Course Committee – Mitchell Marcus made a motion to approve Resolution No. 03-2012-02. Michael Dwyer seconded the motion. Motion carried 3-0.

Appointments to the Middle Smithfield Township Municipal Golf Course Committee – Annette Atkinson made a motion to appoint Ray White, Don Henry, Michael Sweeney, Wayne Bolt, Jim Gardenia and Mark Oney to (1) year terms. Mitchell Marcus seconded the motion. Motion carried 3-0.

Annette Atkinson also announced that Resolution No. 03-2012-02 allows up to (7) members and if anyone is interested in volunteering to please submit a letter of interest.

Middle Smithfield Township v. John Ferro – Attorney Gaul stated that the Mutual Release and Settlement has been received and the Supervisors are required to formally approve the document. Mitchell Marcus stated that he must abstain from voting. Annette Atkinson made a motion to approve the Mutual Release and Settlement. Michael Dwyer seconded the motion. Mitchell Marcus abstained from voting. Motion carried 2-0.

Engineers Report

Pump Station No. 1013 Bid Results – Fred Courtright reported that (5) bids were received and opened at a regular work session. Mr. Courtright stated that the bid information has been presented to the Supervisors but recommends tabling the award of the bid for a future date.

Advantage Electrical Installations Payment Application No. 2 and No.3 for Route 209 Sewer Line Pump Station - Fred Courtright stated that the request for payments have been received . Mitchell Marcus made a motion to pay Advantage Electrical Installations Application No. 2 in the amount of \$31,558.92 and Application No. 3 in the amount of \$19,769.60. Annette Atkinson seconded the motion. Motion carried 3-0.

Andrew Daros; Re-Affirm Minor Subdivision Plan – Fred Courtright stated that this minor subdivision plan was approved in 2007 however the property owner never recorded the plan, and the county will not record the plan over (60) days from the date of approval. Mitchell Marcus made a motion to re-affirm the Andrew Daros Minor Subdivision Plan. Annette Atkinson seconded the motion. Motion carried 3-0.

Marie Deresky Minor Subdivision Plan – Ray Rogers, P.L.S. of Frank J. Smith Jr., P.L.S. Inc. presented the Marie Deresky Minor Subdivision Plan. Mr. Rogers stated that this is a (2) lot subdivision on Lower Lake View Drive consisting of 10.7 acres. Mr. Rogers stated that he is working with PennDOT and PA DEP and most of the outstanding issues have been resolved.

The Planning Commission has reviewed this plan and moved it on to the Supervisors. Three requests for modifications have been requested:

1. A modification request has been made not to be required to show the easements, only to have them in the covenants. The Planning Commission recommends this request be granted.
2. A modification request for providing the grid numbers has been submitted. The Planning Commission recommends this request be granted.
3. A modification request has been made to serve three lots. The Planning Commission's motion was "the decision is based on 170-45.E(2) of SALDO and it stands as written and is not recommending (3) lots be permitted".

Mr. Courtright stated that if the Supervisors choose to grant the modifications, unique physical conditions for these properties are: the vertical alignment of Lower Lake View Drive, the horizontal alignment of Lower Lake View Drive, the steepness of the terrain on the north side of Lower Lake View Drive, the limited area where adequate sight distance is available.

Fred Courtright stated that without the modification or change in the ordinance the private drive would not be allowed and a local access street would have to be constructed.

Mitchell Marcus made a motion to approve the (3) requests for modification. Annette Atkinson seconded the motion.

There were questions regarding the stormwater discharge, site distance, and ownership of the road. Fred Courtright stated that the stormwater doesn't change, the site distances has been approved by PennDOT as the driveway comes out on to Lower Lake View Drive, a state road, ownership of the road will be described in the Deed.

Motion carried to approve the (3) requests for modification.

Fred Courtright recommend conditional approval of the plan based on his review letter dated March 1, 2012.

Mitchell Marcus made a motion to conditionally approve the Marie Deresky Minor Subdivision Plan based on the following conditions being met:

1. Provide satisfactory Improvements Agreement to construct driveway with appropriate security,
2. Obtain PA DEP Approval of planning Module,
3. Obtain PennDOT H.O.P. Permit,
4. Payment of all outstanding fees,
5. Conditions to be completed within (1) year.

Michael Dwyer seconded the motion. Motion carried 3-0.

Michael Dwyer made a motion to approve and forward the Sewage Planning Modules to PA DEP for approval. Annette Atkinson seconded the motion. Motion carried 3-0.

Committee Reports

Golf Course Committee – Ray White stated that there was an extreme amount of work done by volunteers and the Supervisors to get the golf course ready to open. Mr. White also stated that the cash register point of sale is operational, the P&L has been prepared. He stated that the clubhouse will be used for catered events but the kitchen will not open. Personally thanked the Supervisors for expanding the committee and thanked Don Henry and Michael Sweeney for all their help.

Economic Development Committee – Bob Chartock stated that a Business Development seminar was held on February 28, 2012 and it was well attended by (50) people. The EDC will be holding another seminar with guest speaker, Chuck Leonard of the Pocono Urban Development Corporation, March 28, 2012 at 7:00 P.M. Mr. Chartock stated that the EDC will be participating in the Pocono Mountain Chamber of Commerce event March 14, 2012 and March 15, 2012.

New Business

Attorney Gaul stated that with regard to the Wawa, Inc. Land Development plan that was previously submitted and received conditional approval, when the attorney for Summit Realty signed the approval and returned it, he indicated that they would like to modify/eliminate four conditions from the conditional use approval, which are incorporated into the Land Development approval by reference. After further discussions, only two conditions need to be eliminated, which have to do with (1) a pervious parking area and (2) a connection with the neighboring property. Neither of the conditions are relevant to the project as redesigned.

Attorney Gaul recommended that a notation be made to the already signed Township approval and acceptance, noting that the conditions, No. 27 and No. 28, are eliminated, and that it be sent to Summit for re-execution.

Fred Courtright was consulted and stated that he concurs with Attorney Gaul's recommendations.

Michael Dwyer made a motion to eliminate conditions No. 27 and No. 28 and send to Summit Realty for re-execution. Annette Atkinson seconded the motion. Motion carried 3-0.

T.K. Beckett Associates, LLC Engagement Letter – An engagement letter dated February 22, 2012 was received from T.K. Beckett Associates, LLC to look at General Obligation Bonds in order to pay down current bonds, fund capital improvements and possibly pay outstanding debt for sewer capacity. The bond will be \$4 to \$5 million dollars and would bundle all the old debt from previous bond issues. This will cost the Township \$25,000.00, which is less than ½ percent. Michael Dwyer made a motion to accept the T.K. Beckett Associates, LLC engagement letter. Mitchell Marcus seconded the motion. Motion carried 3-0.

Richard Hurley, PhD Engagement Letter – An engagement letter was received from Dr. Hurley outlining

the services he would provide as a Golf Course Consultant for the municipal golf course with a monthly retainer for up to forth (40) hours per month at the rate of \$2,000.00 per month.

Annette Atkinson made a motion to to accept the engagement letter submitted by Dr. Hurley with the title of General Manager of the Golf Course. Michael Dwyer seconded the motion.

Lengthy discussion revolving around where the money would come from to pay Dr. Hurley.

Public comment was received.

Attorney Gaul stated that the Supervisors can approve the contract and allocate the money at a later time and Dr. Hurley should be called a consultant not the general manager.

Annette Atkinson made a motion to accept and approve the Richard Hurley, PhD Engagement Letter. Michael Dwyer seconded the motion. Mitchell Marcus voted no. Motion carried 2-1.

Health Insurance Update – Annette Atkinson stated that due to the federally mandated Health Care Reform Act, all health care plans must now have a Summary Benefit Coverage section. Mitchell Marcus made a motion to make necessary changes to the health insurance plan documents. Annette Atkinson seconded the motion. Motion carried 3-0.

Schedule Spring Cleanup – Michael Dwyer made a motion directing and authorizing the Township Secretary to advertise and prepare the bid documents for Spring cleanup to be held May 18, 2012 and May 19, 2012. Mitchell Marcus seconded the motion. Motion carried 3-0.

Egg Hunt at Resica Park – It was announced that the 2012 Egg Hunt will be held on March 31, 2012 at Resica Park and volunteers are needed to help stuff and hide the plastic eggs. A volunteer sign up sheet was provided for anyone interested.

Public Comment

Mr. Francis Oquendo stated that he would like to coordinate Eagle Scout projects at the Echo Lake Park. They are proposing a flag pole, benches, and (2) fitness stations. Mr. Oquendo provided a letter to each Supervisor.

The mandated recycling program was discussed. Annette Atkinson stated that the Township met with Pat Calpin to review the current ordinance. Once the current ordinance is reviewed it will be given to Attorney Gaul.

The Supervisors were thanked for showing an interest in bringing back the Historical Group. The process to officially form a committee was reviewed.

The previous Dutchman Restaurant property and flea market behind Dunkin Donuts was discussed.

When questioned if volunteers would received keys to the municipal building in order to attend meetings, Annette Atkinson said “no”, someone would be available to open the building for all the

committee meetings.

Executive Session

Mitchell Marcus made a motion to go into executive session at 9:40 P.M. Michael Dwyer seconded the motion. Motion carried 3-0.

Mitchell Marcus made a motion to reconvene the meeting at 10:13 P.M. Annette Atkinson seconded the motion. Motion carried 3-0.

A question was asked regarding what legal procedures are occurring against former Township Supervisors and former employees. Attorney Gaul stated that the Township has none but the Monroe County DA's office does and as far as money missing, Michael Dwyer stated that we have to wait until the 2011 audit is complete. Attorney Gaul stated that as far as any surcharges, it is the Auditors that have to surcharge.

The executive session was called in order to update Annette Atkinson and Michael Dwyer regarding the settlements agreement and release for the Township insurance company to settle the claim with regard to attorney fees in the Marcus v. Middle Smithfield Township lawsuit.

Michael Dwyer made a motion to accept the Settlement Agreement and Release. Annette Atkinson seconded the motion. Mitchell Marcus abstained from voting. Motion carried 2-0.

Meeting adjourned at 10:20 P.M.

Respectfully submitted,

Michele L. Clewell
Township Secretary
March 6, 2012.

