

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Thursday, March 26, 2015 at 7 p.m. at the Schoonover Municipal Building with Annette Atkinson presiding.

Supervisors present: Annette Atkinson and Mitchell K. Marcus. Mike Dwyer participated via speaker phone until his arrival at 7:25 p.m. Township Solicitor Michael Gaul, Esq., Township Engineer Fred Courtright, P.E., Township Secretary Michele L. Clewell and one resident were also present.

Presenters in attendance: Mr. James Meegan and Ann Wingert, P.E. of Hanover Engineering.

Due to Mr. Dwyer not physically being present at the beginning of the meeting, the minutes do not follow the order of the agenda.

Pledge of Allegiance

Approval of Minutes

Annette Atkinson made a motion to approve the March 12, 2015 minutes. Mitchell Marcus seconded the motion. Motion passed 3-0.

Announcements

In preparation of the Coolbaugh Community Garden Park opening in May, an organic gardening class will be held at the municipal building on Saturday, March 28, 2015 at 10 a.m. with Penn State Master Gardener Jen Bradley as the instructor. The Egg Hunt will be held at the Resica Park on Saturday, March 28, 2015 at noon. Spring cleanup is scheduled for May 1st and May 2nd. One of the first charity golf events for 2015 has been scheduled for May 3, 2015; Mady's Angels. The latest LERTA handouts are also available on the table for anyone interested in learning about the township's plans to expand the tax base and sewer user base.

Report of Executive Sessions – Attorney Gaul reported that an executive session was held prior to the meeting to go over pending legal matters with the township solicitor.

Solicitors Report

None

Engineers Report

Meegan Minor Subdivision & Request for Modification(s) – James Meegan and Ann Wingert, P.E. were present to review the revised plan submitted. Fred Courtright, P.E. stated that his response letter dated March 26, 2015 was issued on the revised plan.

Attorney Gaul questioned the grass lane shown on the plan. Ms. Wingert stated that she added a note that no one would traverse the lane. Mr. Courtright stated that he envisioned that boulders would be placed so that no access to the lane would be permitted. Mr. Meegan stated that he uses the lane and it doesn't go off his property, it is a path for personal use and he does

not intend for the Lots in the development to have easement rights over each other through the grass lane. Mr. Meegan also stated that an easement agreement was never signed with previous owners and once he purchased the property it became rightfully his. Attorney Gaul stated that this needs to be addressed, as whoever buys Lot #2, could have access right through Lot #3, but assuming there is conditional approval tonight, he wants to make sure there is no easement over Lot #3. Ann Wingert stated that whatever note Attorney Gaul and Mr. Courtright want to clear this up would be acceptable.

Attorney Gaul discussed the recreational fees and the right of way deed of dedication.

Attorney Gaul stated that driveway permits need to be obtained from the township for Lots #2 and #4. Ms. Wingert stated that a driveway permit was issued, but is uncertain for which lot, as it does not specify what lot it goes to. Attorney Gaul stated that a note must be added to the plan that the existing driveways cannot be moved, without a further Township permit.

Annette Atkinson made a motion to approve the payment of open space fees in lieu of land as specified in the ordinance; \$600 for each of the two newly created lots for a total of \$1,200 payable to the township. Mitchell Marcus seconded the motion. Motion passed 2-0.

Annette Atkinson made a motion granting the request for a modification of regulations to eliminate the requirement to show the emergency grid map numbers. Mitchell Marcus seconded the motion. Motion passed 2-0.

Annette Atkinson made a motion to approve the Meegan Minor Subdivision subject to the following conditions:

1. All certifications and affidavits being fully completed,
2. Seal and signature of design professional being on plans,
3. Monuments and markers being installed,
4. Obtain a driveway permit for Lot #4 and ascertained the existence of one for Lot #2,
5. Payment of any outstanding fees,
6. Right-of-way deed of dedication to the township,
7. Extinguishment of the grass lane on the Plan with language satisfactory to the township solicitor and engineer,
8. Add a note on the plan stating that the existing driveways, locations and size may not be altered without express written permission of the township.

Mr. Meegan stated that the zoning officer stated that he did not require a driveway permit and since it would only be good for six month why would he be required to get it. Attorney Gaul stated that he does need the driveway permit and once the permit is issued, it can always be extended.

Mr. Courtright stated that, in lieu of a driveway permit, Mr. Meegan could obtain a letter from the zoning officer explaining that the proposed location meets the requirements of the ordinance.

Mitchell Marcus seconded the motion. Motion passed 2-0.

Supervisor Mike Dwyer joined the meeting at 7:22 p.m. and requested a five minute recess.

Annette Atkinson made a motion to take a five minute recess at 7:22 p.m. Mitchell Marcus seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to reconvene the meeting at 7:27 p.m. Mitchell Marcus seconded the motion. Motion passed 3-0.

Authorize the Township Engineer to File an Application on behalf of the Township to PennDOT for a General, Permanent HOP for Village Drive – Mike Dwyer made the motion authorizing Fred Courtright to file the application on behalf of the township. Mitchell Marcus seconded the motion. Motion passed 3-0.

Authorize the Township Engineer to Request from PennDOT on-going Extension of the Temporary HOP for Village Drive/Tom X Road until a Permanent HOP is obtained – Mitchell Marcus made the motion authorizing the township engineer to obtain extensions for the temporary HOP. Mike Dwyer seconded the motion. Motion passed 3-0.

Bid Opening

Action on the spring and Fall Roll off Containers Bid – Mike Dwyer reported that Waste Management provided a letter on March 13, 2015 stating that they are able to meet the dates requested in the public notice and will deliver the necessary containers on April 30, 2015. Mike Dwyer made a motion to award the spring and fall roll off containers bid to Waste Management in the amount of \$19.74 per yard. Annette Atkinson seconded the motion. Motion passed 3-0.

Treasurer's Report

Mike Dwyer reported that the 2014 draft audit was received from Riley & Associates. The pension information was not added to the draft as we did not receive that information from PMRS until two days ago, however, the final audit will be finalized by the end of the month.

Payables - Mike Dwyer made a motion to approve the general fund payables in the amount of \$141,896.66. Mitchell Marcus seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the sewer fund payables in the amount of \$31,547.51. Mitchell Marcus seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the golf course fund payables in the amount of \$5,920.76. Annette Atkinson seconded the motion. Motion passed 3-0.

Monroe County Assessment Refund; Brian J. Thomson – Mike Dwyer made a motion to refund Mr. Thomson \$40.77 due to incorrect building information. Annette Atkinson seconded the motion. Motion passed 3-0.

Richard Kawski questioned the purpose of the township demolishing the dilapidated buildings at the Fernwood Hotel as land without buildings will be reassessed for lower taxes and the township will lose tax money. Annette Atkinson stated the taxes are not being paid now and accessory buildings, especially in that condition, don't add much value. Attorney Gaul stated that the township is not doing the property owners any favors, but having dilapidated building hurts everyone as there is a spillover effect on the community, decreasing property values.

Chain Link Fence; Leroy Lane Dog Park – Mike Dwyer reported that three telephone quotes were obtained from the following companies: Keystone Fence Northeast \$16,750.00, Lehigh Valley Fence Company \$21,900. and Mount Pocono Fence \$17,850.00. Mike Dwyer made a motion to award the contract to Keystone Fence Northeast for \$16,750. Annette Atkinson seconded the motion. Richard Kawski asked if it would be less expensive to have the public works employees do the job. Mr. Dwyer stated that it would not. Motion passed 3-0.

New Business

Authorize and Direct the Township Engineer to Prepare Bid Specifications – Annette Atkinson made a motion authorizing and directing the township engineer to prepare bid specifications to replace the control panel for the pump station at Route 209/Sellersville Drive Intersection and authorizing the township secretary to advertise once the bid package is completed by the township engineer. Mitchell Marcus seconded the motion. Motion passed 3-0.

Authorize and Direct the Township Engineer to Prepare Bid Specifications – Annette Atkinson made a motion authorizing and directing the township engineer to prepare bid specification to add an emergency generator, alarms, and fence and control structure at the Bid Ridge Drive pump station and authorizing the township secretary to advertise once the bid package is completed by the township engineer. Mitchell Marcus seconded the motion. Motion passed. 3-0.

Ms. Atkinson stated that these items are a part of the 2015 capital improvement plan that the township engineer and treatment plant operator recommended during one of the public monthly sewer meetings.

Authorize and Direct the Zoning Officer to file Civil Complaints for the following two properties -

- Annette Atkinson made a motion authorizing and directing the zoning officer to file a civil complaint against Charles W. Jony III and Terri Jony, 2105 Sanctuary Drive, with the PIN 09731602953808. Mitchell Marcus seconded the motion. Motion passed 3-0.
- Annette Atkinson made a motion authorizing and directing the zoning officer to file a civil complaint against Willie and Doris Newberry, Lot 45 Cone Road, with the PIN

09731504940819. Mitchell Marcus seconded the motion. Motion passed 3-0. Motion passed 3-0.

Authorize a Notice of Intent to Revoke Conditional Plan Approval – Annette Atkinson made a motion authorizing the township secretary to send a notice to the following:

- CCP Phase III, Sections 6, 9A & 10 PRD / January 23, 2006
- Deresky, Marie / Minor Subdivision / March 6, 2012.
- Echo Lake Landing / Land Development / April 9, 2009
- Evergreen Estates Conservation Subdivision / November 9, 2010 & February 7, 2012
- Fairway Villas Parking Lot / Land Development / July 7, 2013
- Keystone Hollow Phase 3 Pit Tract / March 8, 2005
- Kulick / Land Development / June 23, 1999
- Pine Glen Lot 49 / Minor Subdivision / March 10, 2011
- Siberini, Alan / Minor Subdivision / November 24, 2010

Mike Dwyer seconded the motion. Motion passed 3-0.

Authorize Bid and Advertising for purchase of a used John Deere 772 Grader – Mike Dwyer made a motion authorizing and directing the township secretary to advertise the public notice to accept bids on the township's purchase of a used John Deere 772 Grader. Annette Atkinson seconded the motion. Motion passed 3-0.

Authorize the Zoning Officer to Waive the Banner Permit Fees for Mady's Angels – Annette Atkinson made a motion waiving the banner permit fees for Mady's Angels as they are a non-profit charitable organization conducting a charitable fundraising event. Mike Dwyer seconded the motion. Motion passed 3-0.

Public Comment

Richard Kawski questioned the December 7, 2015 meeting date. The supervisors agreed that the schedule will remain as is.

Adjournment

Annette Atkinson made a motion to adjourn the meeting at 7:48 p.m. Mitchell Marcus seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell
Township Secretary
March 26, 2015

General fund payables

Num	Name	Memo	Amount
12689	Pocono Mts. C.O.G.	COG spring dinner meeting	-60.00
12690	Spring Hill Laser Services Corp	inv 0115-056 tax bill inserts	-1,834.44
Trf	Middle Smithfield Township	Payroll Funds Transfer	-49,945.18
12691	Advance Auto Parts	inv 6952506910576 / 7610897	-138.88
12692	AFLAC	inv 376875	-420.20
12693	American United Life Insurance Company	g006129990000000 insurance	-1,415.17
12694	Bergey's, Inc	inv ph486564r mack tractor parts	-301.41
12695	Bradco Supply Co	inv 12448 plow parts	-544.00
12696	Brian Thomson	tax assessment reduction 9/8s/2/24-1d	-40.77
12697	CNH Capital	5043935501409770 injector pump	-1,304.88
12698	Colours 06	inv 2482327 truck paint	-127.14
12699	Cramer's Home Center	inv 1184947 rope, saw, chain	-281.41
12700	Donna G. Kenderdine, RPR	inv 52-15 Rollins	-409.50
12701	E.M. Kutz	inv 9555 pivot bar T-107	-407.00
12702	Francis C. Disalvo	inv 03121511054 die grinder	-149.00
12703	Gilmore & Associates, Inc.	Engineering 141363-369	-9,816.07
12704	GreatAmerican Leasing Corp King, Spry, Herman, Freund & Paul	003-0585176-000 copier lease	-304.50
12705	LLC	Legal fees 98874-89	-15,451.50
12706	Lawson Products, Inc.	inv 9303074667 misc supplies	-495.20
12707	Lehigh Valley Petroleum PA Municipal Health Insurance	inv 908679 repairs	-879.61
12708	Cooperative	policy 052801 health insurance	-36,900.96
12709	PAPCO	invs 1683672/1677974/8726/84660 propane & deisel	-5,195.20
12710	Penteledata	3046817 internet	-171.65
12711	Pocono Profoods	inv 660880 supplies	-95.60
12712	RICOH USA, Inc	inv 94317739 copier lease	-260.00
12713	Service Tire Truck	inv 051227-26 new tire	-210.82
12714	SFM Consulting LLC	inv 011 zoning 3/9-3/20 invs 8033489488/492965/3583636/665516/2272821 office supplies	-3,575.00
12715	Staples Advantage Sudden Comfort Heating & Air	Conditioning	-1,700.26
12716	Conditioning	maintenance agreement, boiler valve	-2,027.00
12717	Telco	invs 24446 /24452 rtaffice light repairs	-2,188.03
12718	Tulpehocken Spring Water	inv 1975429/1999346 water	-49.20
12719	Verizon	570-223-0503	-297.35
12720	Waste Management	inv 295621802038 garbage	-487.43
12721	Winter Equipment Co	inv iv26552 plow guards	-535.92
12722	PSATS	graduate program Atkinson	-75.00
12723	PSATS	graduate program Dwyer	-75.00
12724	PSATS	graduate program Clewell	-75.00
12725	Met Ed	a/c 100073577916 Sellersville	-26.69
12726	Met Ed	100069220836 River Rd light	-14.28
12727	Met Ed	100059550028 Echo Lake	-34.89

12728	Met Ed	100036091245 bldg B	-1,552.38
12729	Met Ed	a/c 100016915751 Municipal light	-12.78
12730	Met Ed	100016951467 bldg A	-2,010.36
			-
			141,896.66

Sewer fund payables

Num	Name	Memo	Amount
10947	B. Newhart & Sons, Inc.	03092015	-660.00
10948	COYNE CHEMICAL	211532	-2,820.00
10949	GILMORE & ASSOCIATES, INC.	1141371	-5,347.02
10950	Kappe	15-4776-J3	-1,878.00
10951	MET-ED	100018448652	-8,750.77
10957	MET-ED	100083606630 - Oak Grove	-20.82
10960	MET-ED	100044877809 - WL Clubhouse Dr	-20.21
10962	MET-ED	100080916826 - Fairway Villas 100016629691 - PS#2 Sleep Hollow	-52.40
10964	MET-ED	Fairway	-201.27
10966	MET-ED	100080913799 - Off Sleepy Hollow	-152.26
10968	MET-ED	100076523768 - WL Mtn Pass	-2,962.62
10970	MET-ED	100089058661 - Rte 209	-17.18
10972	MET-ED	100081035618 - Lift Station	-16.59
10974	MET-ED	100044863148 - WL PS/ Island View	-21.35
10952	NEUTRON INDUSTRIES	97204712	-4,179.53
10953	PENNSYLVANIA AMERICAN WATER	1024-210033589546 - Milford	-55.43
10958	PENNSYLVANIA AMERICAN WATER	1024-210031497597	-517.71
10954	PROTHONOTARY	March Sats	-7.00
10955	STRAND		-3,523.20
10956	VERIZON	570588764629956Y	-71.98
10959	VERIZON	570223818989863Y - Oak Grove	-36.52
10961	VERIZON	570588658114420Y - WL Clubhouse Dr	-31.85
10963	VERIZON	57058813513455Y - Fairway Villas	-33.34
10965	VERIZON	570223102484027Y - Tree Tops	-35.22
10967	VERIZON	570588075284434Y - PS#7 McCole & NP 570223102584198Y - PS#5/ Rt 209	-33.34
10969	VERIZON	Municipal	-35.22
10971	VERIZON	570588113413383Y - PS #1 LOTP	-33.34
10973	VERIZON	570588074284385Y - PS#3/ McCole & 209	-33.34
			-
			31,547.51

Golf course payables

Num	Name	Memo	Amount
3251	PA Liquor Control Board	PLCB-959	(45.00)
3252	Advance Auto Parts	invs 0686/0742/5809/5870 parts	(204.15)
3253	Allan Rotto Consultants, Inc	inv 27 vz tax	(42.00)
3254	DRBC	Annual Surface Water Use for golf course irrigation	(511.77)
3255	Finch Services, Inc	inv b41242 throttle cable	(44.07)
3256	Golf Car Specialties, LLC	inv si072962 alignment tool	(216.83)
3257	Hellers Gas, Inc.	inv 59566 propane clubhouse	(1,255.38)
3258	Keystone's Premier Golf Association	2015 Membership dues	(125.00)
3259	Lewis True Value	inv a439056 paint & supplies	(92.06)
3260	Varkados Telecom, Inc.	inv 4797 phone repairs	(90.00)
3261	Met-Ed	100081783498 tom x rd	(12.68)
3262	Met-Ed	100085171773 guard shack	(96.28)
3263	Met-Ed	100081784231 big ridge dr	(213.36)
3264	Met-Ed	100081748863 maint bldg	(506.75)
3265	Met-Ed	100081748855 pump house tomx rd	(306.25)
3266	Met-Ed	100104048101 pump house doral crt	(15.87)
3267	Met-Ed	100081748848 clubhouse	(1,538.80)
3268	PA American Water	1024210033261169 big ridge dr	(14.99)
3269	PA American Water	1024210032658777 big ridge	(14.99)
3270	PA American Water	1024210033261244 clubhouse	(78.52)
3271	Verizon	570-223-7378	(198.73)
3272	Waste Management	inv 295621902036 clubhouse	(108.97)
3273	Verizon	570-223-8140	(49.84)
3274	Waste Management	295622002034 maint bldg	(138.47)
			<u>(5,920.76)</u>

