

The regular meeting of the Middle Smithfield Township Board of Supervisors meeting was held on Thursday, March 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, P.E., and Stenographer Donna Kenderdine, Township Secretary Michele Clewell and numerous interested parties and residents.

### **Public Hearing**

Proposed Ordinance 192 Floodplain - Donna Kenderdine took a stenographic record of the public hearing.

Annette Atkinson made a motion to open the public hearing at 7:10 p.m. Michael Dwyer seconded the motion. Motion passed 3-0.

Attorney Gaul stated that the current zoning ordinance has a provision that includes the floodplain section and this is a revision to that section.

Attorney Gaul entered the exhibits into the record.

Fred Courtright stated that the proposed ordinance is a model from what the Monroe County Conservation District had done; it is very similar to what we had in the past although it has been modified to fit Middle Smithfield Township.

No public comment was given.

Annette Atkinson made a motion to adopt Ordinance No. 192. Mitchell Marcus seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to close the public hearing at 7:15 p.m. Mitchell Marcus seconded the motion. Motion passed 3-0.

### **Minutes**

Annette Atkinson made a motion to approve the March 20, 2013 minutes. Mitchell Marcus seconded the motion. Motion passed 3-0.

### **Solicitors Report**

Tesche Minor Subdivision Plan and Modification Requests – Ray Rogers of Frank J. Smith, Jr., Inc. P.L.S. was present.

Attorney Gaul recommended that a decision on the plan and modification requests be tabled until April 23, 2013 as there are still some issues on the plan that require corrections.

Annette Atkinson made a motion to table the Tesche Minor Subdivision Plan and Requests for Modification until April 25, 2013. Mitchell Marcus seconded the motion. Motion passed 3-0.

### **Bid Opening**

Spring Cleanup Containers – Michael Dwyer opened and read aloud the one (1) bid received from Waste Management. Waste Management's bid is \$19.30 per cubic yard and included references and certificate of insurance. Michael Dwyer made a motion to accept and award the bid for the spring cleanup containers to Waste Management. Annette Atkinson seconded the motion.

Richard Kawski asked why doesn't the township re-bid the containers as only one bid was received. Michael Dwyer stated there is not enough time. John Davis asked what the price was for containers last year. Michael Dwyer provided the information and also stated that due to DEP regulations, a lot of companies do not bid.

Motion passed 3-0.

### **Report of Executive Session**

Attorney Gaul stated that an executive session was held prior to this meeting regarding pending legal matters include Robyn Pugh v. Middle Smithfield Township, Schaller and Marcus.

Richard Kawski asked who would have to pay for this law suit. Attorney Gaul stated that we are not going to comment on this, the township has not been served. He has advised not to comment on pending litigation. The township has not been officially served, once received it will be reviewed and dealt with.

Joe Catalfmo asked if past supervisors would be represented. Attorney Gaul stated that we are not going to speak about pending litigation.

### **Correspondence**

A thank you letter was received from Suburban E.M.S. for the quarterly donation.

An email was received from Maryellen Keegan, Monroe County Emergency Preparedness Planner notifying the supervisors that April is 9-1-1 Education Month.

### **Treasurers Report**

Michael Dwyer stated that the township is close to or at budget through the end of March.

A draft lease from PennDOT for the Oak Grove Recycling Site has been received and we are waiting for a proposal from the civil engineer who designed the bypass.

Currently a mini grant, namely the Monroe County Open Space Development Program 2013 is being worked on.

The public works department is almost complete fixing the little league dugout that was damaged during Superstorm Sandy.

Leaf collection details will be provided at the next meeting.

Payables – Michael Dwyer made a motion to pay the general fund payables in the amount of \$146,667.88. Mitchell Marcus seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to pay the sewer fund payables in the amount of \$35,469.82. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to pay the golf course payables in the amount of \$10,123.04. Mitchell Marcus seconded the motion. Motion passed 3-0.

John Ferro asked that additional information be provided regarding the mini grant. Michael Dwyer stated that the mini grant is for regional parks. Smithfield Township has completed their portion of the grant for the Bike Park and Regional Park and we will need to speak with them as it is a matching fund grant.

### **Public Comment**

Richard Kowski had questions regarding land fill space

Mr. Kowski asked if the township has a policy on paying attorney fees. Michael Gaul stated that we are not commenting on litigation.

Nancy Bittner asked if there would be any problems with neighbors at the proposed location of the new recycling center. Michael Dwyer stated that the site location is not set in stone as we must first apply to PennDOT to lease the land for which they have drafted a lease. The neighbors would be notified although they are far enough away from the site. The site would also be gated.

Mr. Kowski asked if he can obtain a copy of the lease agreement. Michael Dwyer stated that he is currently reviewing the draft as it is a very specific document. We do have the plans that they did for the bypass.

Larry Dymond asked if the township has a policy on paying lawyers. Michael Gaul stated that this is not something that has been looked into and we are not discussing.

Larry Dymond questioned what roads are being worked on. Annette Atkinson stated that at the January meeting the supervisors provided a PowerPoint presentation and in that meeting, the public works department 2013 road work was discussed and if Mr. Dymond would like a copy one would be provided to him.

Larry Dymond asked if anything has been done about the odor coming from the pump stations. Annette Atkinson stated that we plan to use a new chemical once the weather is warmer.

Steve Kulick asked about the no parking zones in front of businesses. Annette Atkinson asked the secretary to add it to the next work session agenda.

Joe Catalfamo questioned the security camera in the meeting room. It was stated that the camera does not record audio, only visual.

Gary Summers questioned the decision of when does the public works department plow the roads. Michael Dwyer stated that the township has different elevations and since the employees live in different areas, communication is the key.

Annette Atkinson made a motion to go into executive session at 7:49 p.m. for the purpose of Pugh v. Middle Smithfield Township. Mitchell Marcus seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to reconvene the meeting at 8:15 p.m. Mitchell Marcus seconded the motion. Motion passed 3-0.

Attorney Gaul stated for purposes of clarification, whether the township has a written policy for reimbursement of attorney fees for township employees; there is no written policy, the rules are state rules that concern that.

There being no further business, Annette Atkinson made a motion to adjourn the meeting at 8:15 p.m. Mitchell Marcus seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell  
Township Secretary

General Fund Payables March 28, 2013

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
10498	erin C Groome	reimburse for egg hunt supplies	-61.53

Trf	Middle Smithfield Township	payroll Funds Transfer	-55,561.57
wt	Deluxe for Business	checks for Liquid fuels and golf funds	-361.90
10499	Met Ed	a/c 100016915751 municipal dr	-16.92
10500	Met Ed	a/c 100016951467 bldg A	-1,182.05
10501	Met Ed	a/c 100036091245 bldg B	-1,009.57
10502	A. W. Zacharias	inv 5023 ballfield supplies	-237.80
10503	Bradco Supply Co	inv 92358 edging	-610.89
10504	BWP-Carquest Auto Parts	inv 8348-34703 filters	-40.94
10505	CDW Government	new computer system	-11,988.08
10506	Claude S. Cyphers, Inc	inv 609141 filters	-143.78
10507	Commonwealth Equipment	inv 41797 roller	-242.37
10508	Erin Groome	milage reimbursement for Parks Summit	-159.90
10509	First Insurance Funding Corp	12101-0066-1674635	-9,364.17
10510	GreatAmerican Leasing Corp	inv copier lease	-304.50
10511	H.A.R.I.E	policy 307441611-12 Workers Comp	-8,110.00
10512	ISObunkers, LLC	inv 51869/52181/52256	-12,149.30
10513	Miggys Five Monroe County Tax Collection	kitchen supplies	-28.37
10514	Committee	tax collection committe share	-632.00
10515	Northeast Industrial Supply Co. Inc	inv 400032371 cleaning supplies	-72.08
10516	Pocono Peterbilt	inv 319689 parts	-57.45
10517	Staples Contract and Commercial	inv 7000541905 office supplies	-269.79
10518	Sun Litho Print	office supplies invs 33844/33860	-388.00
10519	Verizon Wireless	inv 9701750749 cell phones	-274.52
10520	Warehouse Battery Outlet, Inc	inv 216476 battery for Ranger	-60.79
10521	Waste Management	inv 2728744-0822-9 policy 307441611-11 2011-12 workers comp audit premium	-393.14
10522	H.A.R.I.E		-24,691.00
10523	Allstate Septic Systems, LLP	inv 221141 Putek park	-95.00
10524	Debbi Manter	inv 1034 cleaning	-1,022.00
10525	Donna G. Kenderdine, RPR	inv 53-13 Adams Outdoor conditional use	-399.70
10526	Grainger, Inc.	inv 9090847782 calcium chloride	-32.22
10527	King, Spry, Herman, Freund & Paul LLC	legal fees invs 80763-80779	-15,285.00
10528	Lawson Products, Inc.	inv 9301507822 parts	-281.61
10529	Yori & Marina Chipiga	09/96961 tax assessment appeal refund	-87.55
10530	Cintas Corp	inv 101193344 uniform	-98.00
10531	Glenn Kreckman Co	inv 4538 radio service call	-664.75
10532	Met Ed	a/c 100069220836 river rd	-12.53
10533	Reilly Associates.	inv 14 CCP Phase III sec 5	-213.21
10534	Weitzmann & Weitzmann, LLC	inv 19737 planning commission	-60.00
10535	Penteledata	inv B1936274 mailbox	-3.90
			-
			<u>146,667.88</u>

Golf Course Payables March 28, 2013

<b>Date</b>	<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
03/18/2013	2239	Gayer, Jonas	refund of 2013 prepaid membership	-1,237.50
03/28/2013	2240	Kistler O'Brien Fire Protection	inv 498417 fire exting. inspections & repalcements	-596.00
03/28/2013	2241	Kistler Printing Company, Inc.	inv 75806 flyers	-25.00
03/28/2013	2242	Met-Ed	a/c 100081748863 golf maint bldg	-294.06
03/28/2013	2243	PA American Water	a/c 242074628-7 Big Ridge	-207.70
03/28/2013	2244	R&R Products	parts	-413.35
03/28/2013	2245	Stuart Mentzel	refund for 2013 prepaid membership due to illness	-1,237.50
03/28/2013	2246	Sun Litho-Print, Inc.	inv 33845 log & incident reports	-238.00
03/28/2013	2247	Turf Equipment & Supply Co.	826750/826814/8264750-01	-2,484.72
03/28/2013	2248	Verizon	570223737828754y	-124.66
03/28/2013	2249	Weitzman & Weitzman LLC	inv 19738 legal fees	-45.00
03/28/2013	2250	Met-Ed	a/c 100081748855 golf course pump house Tom X rd	-293.94
03/28/2013	2300	PA American Water	a/c 242074627-9 Big Ridge Dr	-14.42
03/28/2013	2301	Verizon	570223814063192y	-91.57
03/28/2013	2302	Met-Ed	a/c 100081784231 big ridge drive	-177.62
03/28/2013	2303	Met-Ed	a/c 100085171773 Guard Shack	-96.13
03/28/2013	2304	Blue Ridge Communications	a/c 0109950-03 internet & cable	-49.95
03/28/2013	2305	Fry's Plastic	K115649	-327.06
03/28/2013	2306	Hannaberry HVAC	heating repairs	-689.08
03/28/2013	2307	Kistler O'Brien Fire Protection	inv 499545 fire exting.	-108.50
03/28/2013	2308	Kode Electric Inc	201200515 install new flood lights @CCP	-924.00
03/28/2013	2309	R&R Products	inv CD1657149 bolts	-89.09
03/28/2013	2310	Waste Management	inv 2728749-0821-8 clubhouse	-250.17
03/28/2013	2311	Waste Management	inv 2728750-0821-6 golf maint bldg	-108.02
				-
				10,123.04