

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Thursday, April 25, 2013 at 7:00 p.m. at the Schoonover Municipal Building 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., Township Secretary Michele Clewell, Stenographer Donna Kenderdine, numerous interested parties and citizens.

### **Approval of Minutes**

Annette Atkinson made a motion to approve the March 28, 2013 minutes. Michael Dwyer seconded the motion. Motion passed 3-0.

### **Report of Executive Sessions**

Attorney Gaul reported that prior to this meeting and executive session was held regarding pending twp legal matters and the Pugh v. MST/Marcus/Schaller case.

### **Public Hearing**

Donna Kenderdine took a stenographic record of the hearing.

Adams Outdoor Advertising Decision – Annette Atkinson made a motion to reconvene the prior public hearing at 7:10 p.m. Mitchell Marcus seconded the motion. Motion passed 3-0.

Attorney Gaul stated that the Findings of Facts have been provided by the applicant's attorney.

Annette Atkinson made a motion to close the public hearing at 7:11 p.m. Mitchell Marcus seconded the motion. Motion passed 3-0.

Attorney Gaul stated that pursuant to the instructions of the board of supervisors, he has prepared a Decision for their consideration. The Decision denies the Conditional Use application.

Annette Atkinson made a motion to follow the solicitor's advice and deny the conditional use application for Adams Outdoor Advertising according to the written Decision. Michael Dwyer seconded the motion.

The applicant's attorney asked for the specific section that denies the application. Attorney Gaul provided the section.

Motion passed 3-0.

### **Announcements**

Annette Atkinson stated that Litter & Beautification "1,000 Feet of Street" cleanup will be held this weekend and volunteers are needed.

Annette Atkinson stated that spring cleanup and the Free Cycle will be held May 3<sup>rd</sup> and 4<sup>th</sup>.

Michael Dwyer stated that the township leaf collection will begin May 6, 2013 and this is a three week process that will conclude May 20, 2013. Leaf collection routes will be posted one week in advance for each location.

Michael Dwyer stated the golf course grand opening is scheduled for May 5, 2013 at 1:00 p.m. Prizes and discounts within the pro shop will be offered as well as free food.

### **Treasurer's Report**

Michael Dwyer stated that the monthly bills are being paid in a timely fashion and we are at or below budget.

Michael Dwyer reported that Cory Lyon of the public works department has secured a Dirt and Gravel Road Grant in the amount of \$35,743.84 from the Monroe County Conservation District for Freeman Tract Road.

Michael Dwyer stated that a representative from FEMA has submitted the paperwork and the township should see a reimbursement of \$95,000.00 in the next month or so for expenses incurred from Hurricane Sandy.

The liquid fuels close out report was conducted on April 12, 2013 and everything was in order.

The township auditors have concluded the 2012 audit and we hope to have the audit by May 1, 2013.

Payables - Michael Dwyer made a motion to pay the general fund payables in the amount of \$147,578.20. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to pay the sewer fund payables in the amount of \$39,027.56. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to pay the golf course payables in the amount of \$10,860.83. Annette Atkinson seconded the motion. Motion passed 3-0.

Monroe County Assessment Office, Refunds Due – Michael Dwyer made a motion to refund two tax payers totaling \$308.62. Annette Atkinson seconded the motion. Motion passed 3-0.

### **Solicitors Report**

Attorney Gaul introduced his associate, Keely Collins, Esq. who may from time to time be assisting Attorney Gaul with Middle Smithfield Township matters.

Eric Tesche Minor Subdivision Plan and Requests for Modification - Attorney Gaul stated that six (6) new requests for modification have been received due to the applicant's response to comments by the township engineer and solicitor.

Annette Atkinson made a motion to send the modification requests back to the township planning commission for their review and recommendations prior to the board of supervisors taking action and direct the township secretary to write a letter to Frank Smith & Co., P.L.S. stating the decision of the board. Michael Dwyer seconded the motion. Motion passed 3-0.

Price Chopper – Attorney Gaul stated that an application was received from Price Chopper Operating Co. of Pennsylvania, Inc. requesting a Public Hearing and Resolution on the Intermunicipal Transfer of a Liquor License into Middle Smithfield Township.

Annette Atkinson made a motion directing the solicitor to create the necessary resolution and schedule a public hearing for May 23, 2013 at 6:30 p.m. Michael Dwyer seconded the motion. Motion passed 3-0.

Floodplain Ordinance Amendment; Schedule a Public Hearing – Attorney Gaul reported that FEMA wants specific language added to the ordinance under “New Construction” as it was left out because it went through the planning commission review and he did not want to put in specific dates in the event the dates changed. The missing date that will be inserted is April 2, 2013.

Annette Atkinson made a motion to schedule a public hearing for June 13, 2013 at 7:00 p.m. in order to meet the requirement set forth by FEMA with Proposed Ordinance No. 194. Michael Dwyer seconded the motion. Motion passed 3-0.

Resolution 04-2013-1; Four County Metropolitan – Attorney Gaul stated that the board has before them a revised MPO due to one of the counties dropping out of the organization, namely Wayne County. Annette Atkinson made a motion to approve the revised resolution. Michael Dwyer seconded the motion. Motion passed 3-0.

CCP Phase 3 Section 5; Extension of Time to Render a Decision – Attorney Gaul stated that a letter granting a time extension, ending September 15, 2013, has been received from the applicant's attorney, Charlie Vogt, Esq. Currently the deadline for a decision on the plan is May 15, 2013. Attorney Gaul recommended the board accept the extension. Michael Dwyer made a motion to accept the letter of extension until September 15, 2013. Annette Atkinson seconded the motion. Motion passed 3-0.

Resolution 04-2013-4; Water Gap Preserve – Attorney Gaul stated that the township is agreeing to rescind the developers rights with regard to the Planned Residential Development (PRD) formally owned by LTS Builders, now owned by First National Community Bank (FNCB). Annette Atkinson made a motion to approve the resolution. Mitchell Marcus seconded the motion. Attorney Gaul stated that

he has two hand written insertions in the copies before the board but he will provide a clean copy for their signatures.

Wayne Witkowski asked where the development is located. Fred Courtright stated McCole Road and Hidden Lake Road and it was to be a 101 lot subdivision.

Motion passed 3-0.

### **Engineers Report**

Marshalls Square Shopping Center; Reaffirm Drive Thru Revision Land Development Plan – Fred Courtright stated that in July 2012 the plan was conditionally approved and instead of a developers agreement the developer would do the improvements and inspections. The improvements have been completed as stated in Mr. Courtright's February 2013 letter. Mr. Courtright recommends the supervisors reaffirm the plan subject to the developer paying any outstanding legal and engineering fees owed the township and recording the well agreement once the land development plan is recorded.

Annette Atkinson made a motion to approve the reaffirmation of the Marshalls Square Shopping Center Land Development Plan based on Mr. Courtright's recommendations. Michael Dwyer seconded the motion. Motion passed 3-0.

### **New Business**

Resolution 04-2013-2; Middle Smithfield Township Echo Lake Sign Policy – Annette Atkinson made a motion to approve. Michael Dwyer seconded the motion. Wayne Witkowski asked for additional details of the resolution which, Annette Atkinson provided. Motion passed 3-0.

Dagoberto Mederos Dangerous Structure; Action – Attorney Gaul stated the township made an effort to notify the owner regarding his responsibilities as to the dangerous structure but the township's certified correspondence was returned. The property was also posted with the required Notice. The township has two (2) options; either the township cleans up the burned out house or hire a contractor to demolish it and clean up the site.

Michael Dwyer made a motion authorizing and directing the township secretary to obtain three (3) phone quotes for the demolition of the home and cleanup of the property. Annette Atkinson seconded the motion.

Mr. Raymond Seamba stated that this is a structure that is dangerous and there are rodents as there is garbage being dumped at the site. Mr. Seamba asked when the structure would be removed. Michael Dwyer stated that an exact date cannot be given but once the quotes are received the board will take action on who will do the removal and cleanup at the May 9, 2013 meeting. If costs are prohibitive, the public works department will do the work. Michael Dwyer also stated that the public works department will remove the garbage from the property.

Motion passed 3-0.

Resolution 04-2013-3; Designation of EMRP's River's Edge Park for the River's Edge Pump Track and Bike Park – Attorney Gaul stated that this resolution only designates the Rivers Edge Park as the Rivers Edge Bike Park. Annette Atkinson made a motion to approve. Mitchell Marcus seconded the motion.

Richard Kawski questioned what the costs are. Annette Atkinson stated that all this resolution does is to say where the bike park will go. The resolution is needed to acquire grants. Attorney Gaul stated that the township is not bound by the resolution until legal paperwork is approved and signed.

Annette Atkinson stated that the time limit to acquire grants is two (2) years and the maintenance on the bike park would mostly be done by volunteers.

Motion passed 3-0.

**Public Comment**

Richard Kawski asked what can the township do concerning firearms. Attorney Gaul stated that the board of supervisors has been pro active due to the incident at Resica Elementary School where a bullet was fired into a window. He stated that regulation of shooting if they are on township property is one thing but the township cannot do anything if someone is on private property. Attorney Gaul stated that he would like to know where exactly the shot came from and will continue to look into it.

Annette Atkinson made a motion to adjourn the meeting at 7:49 p.m. Michael Dwyer seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell, Secretary  
April 25, 2013

**General Fund**

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
04/17/2013	Trf	Middle Smithfield Township	Funds Transfer to savings account	100,000.00
04/17/2013	wt	BMO Bank of Montreal	credit card statement	-1,851.61
04/19/2013	10573	Dept of the Auditor General	VOID: return of overpaid 2012 state aid (PMRS)	0.00
04/24/2013	10574	AFLAC	inv 077057/409426 insurance	-1,006.96
04/24/2013	10575	Amsterdam Printing	inv 3490691 employment applic. forms	-99.89
04/24/2013	10576	BIU of PA, Inc.	inv 0100-0120-029105	-251.50
04/24/2013	10577	BWP-Carquest Auto Parts	8348-36538/37098 parts	-42.99

04/24/2013	10578	CDW Government	BN04202 / BN50827new computer system	-1,095.00
04/24/2013	10579	Claude S. Cyphers, Inc	inv 609597/742	-83.22
04/24/2013	10580	Cramer's Home Center	inv 870389 / 874637 parts	-290.60
04/24/2013	10581	DCED	BCO 3580 permits	-120.00
04/24/2013	10582	Dept of the Auditor General	2012 Overpaid State Aid 45-027-5-N	-19,349.21
04/24/2013	10583	Donna G. Kenderdine, RPR	inv 73-13 Adams Outdoor Adv	-218.10
04/24/2013	10584	East Stroudsburg University	Economic Outlook Summit	-75.00
04/24/2013	10585	First Insurance Funding Corp	12101-0066-1674635	-9,364.17
04/24/2013	10586	Grainger, Inc. Highway Equipment & Supply Co.	inv 9113053905 supplies	-709.74
04/24/2013	10587	Joyce Fenical.	invs D00125/190/200	-750.94
04/24/2013	10588	Kimball Midwest	reimbursement for plastic eggs for egg hunt	-21.20
04/24/2013	10589	Lawson Products, Inc.	inv 2915619 paint	-191.55
04/24/2013	10590	Lewis True Value	inv 9301573785 paint, fittings, screws, etc	-477.02
04/24/2013	10591	Met Ed	invs A341058/344390 misc supplies	-65.97
04/24/2013	10592	Northern Safety Co. Inc	a/c 100016915751 Municipal signal	-18.02
04/24/2013	10593	Orkin Pest Control	inv 900380505 gloves	-161.69
04/24/2013	10594	Penteledata	inv 267829 pest control	-160.00
04/24/2013	10595	Pocono Peterbilt	inv b1953589 e-mail accts	-27.30
04/24/2013	10596	Pocono Record	inv 32233 repairs	-195.66
04/24/2013	10597	Reilly Associates.	inv 652911 public notices	-1,433.09
04/24/2013	10598	Staples Contract and Commercial	inv 15 CCP Phase III review 7000568950/951/589035/034 office supplies a/c 4135646356	-152.90
04/24/2013	10599	The Hartford -Priority Accounts	4135646356	-711.99
04/24/2013	10600	Verizon	inv 6267873-5 6306395-2	-2,242.70
04/24/2013	10601	Warehouse Battery Outlet, Inc	570223892064559y	-666.04
04/24/2013	10602	FedEx	inv 221969 roller, paver	-129.39
04/24/2013	10603	Kemper Equipment Inc	inv 224150212	-26.66
04/24/2013	10604	Met Ed	inv sm17426 end tensioned panels	-491.53
04/24/2013	10605	Miggys Five	a/c 100016951467 Bldg "A"	-963.34
04/24/2013	10606	Waste Management	a/c 15 4/11 kitchen supplies	-32.16
04/24/2013	10607	Met Ed	inv 2749928-0821-3 dumpster	-396.96
04/24/2013	10608	R.J. Groner Inc.	a/c 100036091245 Bldg "B"	-1,651.75
04/24/2013	10609	Met Ed	inv 1636-48318 heating repairs	-342.60
04/24/2013	10610	Hal Harris	a/c 100069220836 River Rd signal	-11.37
04/24/2013	10611	Claude S. Cyphers, Inc	refund of room rental	-50.00
04/25/2013	10612	Cory J. Lyon	inv 610008 parts	-79.42
04/25/2013	10613	reimburse for PSATS convention milage, meals, lodging		-378.80
04/25/2013	10614	Donna G. Kenderdine, RPR Highway Equipment & Supply Co.	inv 82-13 Ordinance # 192	-107.05
04/25/2013	10615	ISObunkers, LLC	inv D00191 parts for motor	-167.00
04/25/2013	10616	Macmillan Oil	inv ainv0053988 propane	-255.91
04/25/2013	10617	Michele L. Clewell	inv 28294 motor oil	-515.00
04/25/2013	10618	reimbursement for gas PSATS convention		-145.20
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				<u>147,578.20</u>

## Golf Course Fund

Date	Num	Name	Memo	Amount
04/23/2013	2327	Banko Beverage	beer	-320.01

04/23/2013	2328	Resort Beverage	beer	-219.74
04/24/2013	2329	Hannaberry HVAC	inv J80888 Job# 13-5737 balance for thermostats	-672.50
04/24/2013	2330	BWP-Carquest Auto Parts	8348-36432/36581	-59.06
04/24/2013	2331	Don Henry	reimburse for New Yrs eve supplies	-215.96
04/24/2013	2332	Fisher & Son Co., Inc.	inv 121117-IN greens supplies	-790.44
04/24/2013	2333	Genesis Turfgrass Inc.	inv 24269 / 25763	-2,257.10
04/24/2013	2334	Hellers Gas, Inc.	inv 92763 clubhouse propane	-1,058.40
04/24/2013	2335	Kistler O'Brien Fire Protection	ansul system maintenance agreement	-355.00
04/24/2013	2336	Kistler Printing Company, Inc.	inv 75997 golf tournament brochures	-260.00
04/24/2013	2337	Martin Limestone, Inc.	inv 384706/385418 trap sand	-2,714.31
04/24/2013	2338	Met-Ed	a/c 100081784231 Big Ridge	-144.07
04/24/2013	2339	Northeast Fire Services & Inspections, LL	Whispering Pines Fire sprinkler sys inspection	-350.00
04/24/2013	2340	PA American Water	2420746279 big ridge drive reimburse for computer calbe and lunch for Feb POS Training	-14.28
04/24/2013	2341	Raymond J. Wolfe		-118.13
04/24/2013	2342	The Antigua Group, Inc.	inv 3775114 / 3775025 pro shop merchandise	-340.65
04/24/2013	2343	Verizon	5702237378 28754y	-127.62
04/24/2013	2344	Waste Management	inv 2749933-0821-3 clubhouse	-98.62
04/24/2013	2345	Met-Ed	a/c 100081748855 golf course pump house	-260.57
04/24/2013	2346	Verizon	570223814063192Y alarm	-95.23
04/24/2013	2347	Waste Management	inv 2749934-0821-1 golf maint bldg	-111.24
04/24/2013	2348	Met-Ed	a/c 100085171773 guard shack	-79.37
04/24/2013	2349	PA American Water	2420746287 big ridge	-198.53
				-
				<u>10,860.83</u>