

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Thursday, May 28, 2015 at 7 p.m. at the Schoonover Municipal Building with Annette Atkinson.

Supervisors present: Annette Atkinson, Mike Dwyer and Mitchell Marcus. Also in attendance: Township Solicitor Michael Gaul, Esq., Township Engineer Fred Courtright, P.E., Township Assistant Secretary Joan Hemm-Woisin, and several residents and the press.

### **Pledge of Allegiance**

### **Approval of Minutes**

Annette Atkinson made a motion to approve the May 14, 2015 minutes. Mike Dwyer seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to approve the May 26, 2015 minutes. Mike Dwyer seconded the motion. Motion passed 3-0.

### **Announcements**

### **Report of Executive Session**

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

### **Treasurer's Report**

Mike Dwyer reported that through the third week of April, the township remains in good financial health. Income is 1% lower than expected but expenses are 10% lower. Sewer Income is on schedule but expenses are lower. The golf course is below budget as income is above expenses.

Payables – Mike Dwyer made a motion to approve the general fund payables in the amount of \$160,769.16. Mitchell Marcus seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the sewer fund payables in the amount of \$53,499.52. 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 \$35,929.67, Annette Atkinson seconded the motion. Motion passed 3-0.

### **Solicitors Report**

None

### **Engineers Report**

Fred Courtright reports that in December Toll Brothers requested the release of Escrows for CCP Phase 2 Section 6, CCP Phase 3 Sections 4 & 8, Pond Creek Phase 1, and Pond Creek Phase 2 & 3 and were initially denied. Tolls Brothers hired Geo-Technology to conduct additional core borings and make recommendations.

### Toll Brothers Response for Proposed Pavement Repairs for CCP Commons Phase 2 Section 6

Fred Courtright concurs with Geo-Technology to mill out the installed paving section from a point 25 feet to the West and 50 feet to the East of T-10 and install the required paving section and rejects their proposal for T-8 and T11 to balance out base course that is greater than required with wearing course which is deficient by more than allowed and recommends that the wearing course should be milled and replaced with proper thickness.

Fred Courtright recommends that the Board accept Toll Brothers remediation for T-10 and ask Toll Brothers to give us a response for T-8 and T-11 to consider.

Mike Dwyer motions to accept the Engineers' recommendations and proposed remediation for T-10, T-8 and T-11 and that the repairs suggested for T-10 is accepted and the Supervisors require that the wearing course be milled and replaced to proper thickness as suggested in our Engineer's letter dated May 20, 2015 for T-8 and T-11. Mitchell Marcus seconded the motion. Motion passed 3-0.

### Toll Brothers Response for Proposed Pavement Repairs for CCP Phase 3 Sections 4 & 8

Fred Courtright stated that Toll Brothers proposes to mill out and replace all sections as stated in their letter dated 3/6/15 and he recommends that the Supervisors accept that recommendation for remediation.

Mike Dwyer motions to accept the Engineer's recommendation and remediation plan as stated in his letter dated May 20, 2015 for CCP Phase 3 Section 4 & 8. Annette Atkinson seconded.

Rich Kowski asked if they were just accepting their word that the work would be completed. Mike Dwyer stated that this is just telling them what needs to be done. Fred Courtright stated that they still have to do it and we still have to check it.

Bob Ciabatti asked what the total amount of the escrows was; Mike Dwyer responded \$375,000.

Motion passed 3-0

### Toll Brothers Response for Proposed Pavement Repairs for Pond Creek Phase 1

Fred Courtright stated that Toll Brothers proposes to mill out T-7 for a distance of 25 feet to the North and 25 Feet to the South of T-7 and install the required 1 1/2" wearing and he recommends that the Supervisors accept that recommendation for remediation.

Mike Dwyer motions to accept the Engineer's recommendation and remediation plan as stated in his letter dated May 20, 2015 for Pond Creek Phase 1. Mitchell Marcus seconded the motion. Motion passed 3-0.

### Toll Brothers Response for Proposed Pavement Repairs for Pond Creek Phase II and III

Fred Courtright stated that Toll Brothers proposes to mill out T-4 for a distance of 100 feet to the South and install the required 1 1/2" wearing and he recommends that the Supervisors accept that recommendation for remediation.

Mike Dwyer motions to accept the Engineer's recommendation and remediation plan as stated in his letter dated May 20, 2015 for Pond Creek Phase 2 and 3. Annette Atkinson seconded the motion. Motion passed 3-0.

Rich Kowski asked if the escrows were being released. Mike Dwyer responded that no escrows were being released. These recommendations were regarding what conditions had to be met before the escrows would be released and that Toll Brothers would have to apply again to have the escrows released once the work was completed and inspected.

### **Old Business**

#### Intent to Revoke Conditional Approval(s) for the following Subdivision/Land Development Plans:

- Coleman Kennedy Partners LLP - Echo Lake Landing Land Development – Annette Atkinson made a motion to table action to revoke the conditionally approve land development plan based on an email dated May 27, 2015 from the Owner's Engineer, Christopher McDermott of Reilly Associates until June 25, 2015. Mitchell Marcus seconded the motion. Motion passed 3-0.
- Romec, Inc. – Evergreen Estates Conservation Subdivision – Annette Atkinson made a motion to grant a one year extension until May 28, 2016 based on a letter from owners Solicitor, Marshall Anders, dated May 15, 2015. Mike Dwyer seconded the motion. Motion passed 3-0.
- Barbara Kulick Land Development – Annette Atkinson made a motion to table action based on discussions with the developers requesting a meeting with the supervisors until June 25, 2015. Mike Dwyer seconded the motion. Motion passed 3-0.

### **New Business**

Jeanie Lee of AWESOME is absent. Annette Atkinson stated that she will be invited to speak at a different meeting.

Fred Courtright stated that he received a request to release the escrow on the Taco Bell. Fred asks the BOS to authorize the inspections. Annette Atkinson motions to authorize the inspections for the release of the escrow on Taco Bell. Mitchell Marcus seconded the motion. Motion passed 3-0.

**Public Comment**

Rich Kowski asked that since Fernwood was sold has the township been in touch with the owner regarding the dilapidated buildings that need to be removed and does the Township know what will be done with the property. Annette Atkinson stated that while they are happy that it sold and have an owner that is responsive, nothing has happened yet since it just sold but Zoning would be in touch with them. Annette Atkinson stated that nothing is known about what the owner a plan to do with the complex but that this was a perfect example of a property that could benefit from LERTA.

Rich Kowski asked that the traffic lights north of Price Chopper be looked at. He stated that the traffic caused by the lights is bad and not good for tourism.

**Adjournment**

Annette Atkinson made a motion to adjourn the meeting at 7:28 p.m. Mitchell Marcus seconded the motion. Motion passed 3-0.

Respectfully submitted,

Joan Hemm-Woisin

Assistant Township Secretary

**General Fund**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
		Payroll Funds Transfer	-47,372.53
12880	Sudden Comfort Heating & Air Conditioning	replace a/c system in maint garage	-4,100.00
12881	Atlas License Company & Data Services	FCC license renewal KNEG218	-245.00
12882	209 Enterprises	inv 101-06069 road materials	-931.93
12883	Allstate Septic Systems, LLP	invs 253245 / 253246	-450.00
12884	American Ribbon Mfrs, Inc	inv 55340 supplies	-62.43
12885	American United Life Insurance Company	policy G 0061299-0000-000 life insurance	-1,332.93
12886	Blue Ridge Communications TV-13	mst restaurant week	-31.75
12887	Canfields Pet & Farm	inv 126363 fertilizer for dog park	-114.00
12888	Claude S. Cyphers, Inc	invs 633435 / 634315 parts	-97.30
12889	Cleveland Brothers	inv inpp1135389 parts	-471.34
12890	CNH Capital	5043935501409770	-165.35
12891	Dawn M. Arnst Tax Collector	supplies, postage & training tax collector	-180.29
12892	Eastern Alarm Systems	invs 8445 / 8446 alarms	-228.00
12893	ERSA Court Reporters	inv 203522 transcript zoning hearing	-225.00
12894	Eureka Stone Quarry	inv 109670	-671.62
12895	First Insurance Funding Corp	12101-0066-1674635	-10,319.90

12896	General Code, LLC	inv 17632 supplement 45	-446.66
12897	Grainger, Inc.	inv 9740811691 trash bags	-1,135.09
12898	GreatAmerican Leasing Corp	inv copier lease	-304.50
12899	Hanson Aggregates	invs 2713384/2716543/2720858 road materials	-1,646.88
12900	Jason Wittel	sign for the Community Gardens	-625.00
12901	Judith Acosta	milage for shop local event	-10.08
12902	Kimball Midwest	invs 4097523 / 4113672	-306.54
12903	King, Spry, Herman, Freund & Paul LLC	legal fees invs 100217-100234	-11,400.00
12904	Lawson Products, Inc.	invs 9303270250 / 9303287807	-468.29
12905	Macmillan Oil	inv 8482 motor oil	-498.50
12906	Mailfinance	inv n5325397 postage machine lease	-463.38
12907	Marshalls Creek Plumbing	inv 9477 frost free water outlet	-62.80
12908	Met Ed	a/c 100073577916 Sellersville light	-27.38
12909	Montague Tool	inv 71938-01 karcher scale inhibitor	-79.00
12910	Mount Pocono Fence	inv 51715-03 deposit for fence for dog park	-2,362.50
12911	Oak Grove Multi-Municipal Compost	50% share of 2015 operating costs	-18,565.00
12912	PA Municipal Health Insurance Cooperative	a/c 052801 health insurance	-38,300.96
12913	Penteledata	inv b2454476 email	-171.77
12914	PSATS CDL Program	inv 15-c4176 testing	-120.00
12915	Regina Farms	order # r65g576mtac18 mulch bldg A	-105.60
12916	RICOH USA, Inc	inv 94687154 copier lease	-1,116.13
12917	SFM Consulting LLC	inv 23 zoning officer 5/4-5/15	-2,730.00
12918	Verizon	570223050340643y	-298.17
12919	Verizon Wireless	inv 9745862555	-226.50
12920	Warehouse Battery Outlet, Inc	inv 290269 batteries	-239.40
12921	Waste Management	inv 2967784-0203-6 clean-up	-9,202.65
12922	Met Ed	a/c 100036091245 bldg B	-559.40
12923	Miggys Five	a/c 15 4/19-5/19 supplies	-333.15
12924	Met Ed	a/c 100016951467 bldg A	-1,461.82
12925	Waste Management	inv 2969530-0201-1	-486.88
12926	Met Ed	a/c 100016915751 Municipal light	-15.76
			-
			160,769.16

## Sewer Fund

Num	Name	Memo	Amount
11047	ALLSTATE SEPTIC SYSTEMS, LLP	253075	598.75
11048	COYNE CHEMICAL	216301	2,820.00
11049	Eastern Alarm Systems, Inc.		228.00
11050	Eric Bell	051215	575.00
11051	MET-ED	100044863148 - WL P/S Island View	20.51
11052	MST2012GOB	2015 MST 2012GOB	38,819.79

11053	PENNSYLVANIA AMERICAN WATER	1024-210033589546 - Milford	55.59
11054	STRAND		2,822.15
11055	VERIZON	570588764629956Y - Main STP	73.56
11056	W.G. MALDEN	8817	300.00
11057	MET-ED	100016914275 - PS #5 Rt209 & Municipal	324.26
11058	PENNSYLVANIA AMERICAN WATER	1024-210031797597 - Sellersville Rd Hydt	15.03
11059	VERIZON	570588658114420Y - WL Clubhouse Dr	32.20
11060	MET-ED	100016867432 - PS #1 LOTP	159.35
11061	VERIZON	570588113513455Y - Fairway Villas	33.74
11062	MET-ED	100083606630 - Oak Grove	174.58
11063	VERIZON	570588113413383Y - PS #1 LOTP	33.74
11064	MET-ED	100018448652 - Main STP	4,966.36
11065	VERIZON	570588075284434Y - PS#7 McCole & NP	33.74
11066	MET-ED	100089058661 - Rt 209	12.77
11067	VERIZON	570588074284385Y - PS#3 McCole & 209	33.74
11068	MET-ED	100076523768 - WL Mtn Pass	887.84
11069	VERIZON	570223102484027Y - Tree Tops	35.31
11070	MET-ED	100044877809 - WL Clubhouse Dr	17.71
11071	VERIZON	570223102584198Y - PS#5 Rt 209 & Municipal	35.31
11072	MET-ED	100080919826 Fairway Villas	30.39
11073	VERIZON	570223818989863Y - Oak Grove	36.62
11074	MET-ED	100018353951 - PS #6 Sellersville	<u>323.48</u>
			53,499.52

## Golf Course

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
wt	PA Dept of Revenue	April sales tax 171500000212187	-222.05
3336	LT Verrastro Beverage	beer	-307.82
3337	Banko Beverage	beer	-143.74
3338	Allan Rotto Consultants, Inc	inv 29 vz tax	-42.00
3339	Allstate Septic Systems, LLP	inv 253244 porta potties	-285.00
3340	Berkley Mid-Atlantic	a/c 10043096 package policy installment	-7,470.00
3341	Blue Ridge Communications	0109950-03 internet	-49.95
3342	Eastern Alarm Systems, Inc.	inv 8401 / 8403 / 8404 alarms	-342.00
3343	Genesis Turfgrass Inc.	inv 39968 greens maint supplies	-6,975.00
3344	Golf Car Specialties, LLC	inv si075670 / 075663 cart lease	16,156.00
3345	Kistler O'Brien Fire Protection	inv 581523 annual inspection	-171.50
3346	Miggy's Corp 5	a/c 15 5/3, 5/7, 5/14 food for pro shop	-131.26
3347	PA American Water	a/c 1024210032658777 big ridge dr	-15.03
3348	Pocono ProFoods	inv 680191 bathroom supplies	-223.70
3349	Sun Litho-Print, Inc.	inv 37092 score cards	-225.00

3350	Turf Equipment & Supply Co.	inv 902928-00 / 902894-00 parts	-657.65
3351	Verizon	570223737828754y	-204.06
3352	Waste Management	2969532-0203-7 maint bldg	-138.32
3353	Met-Ed	a/c 100081748863 maint bldg	-237.30
3354	PA American Water	a/c 1024210033261244 big ridge dr	-147.28
3355	Verizon	570223814063192y	-49.95
3356	Waste Management	2969531-0203-9 clubhouse	-108.85
3357	Met-Ed	a/c 100081783498 guard shack	-12.68
3358	PA American Water	a/c 1024210033261169 big ridge	-15.03
3359	Met-Ed	a/c 100085171773 guard shack	-98.15
3360	Met-Ed	a/c 100081784231 big ridge drive	-133.18
3361	Met-Ed	a/c 100104048101 pump house doral crt	-12.77
3362	Met-Ed	a/c 100081748855 pump house Tomx rd	-355.36
3363	Met-Ed	a/c 100081748848 clubhouse	<u>-999.04</u>
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			35,929.67