

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Thursday, July 11, 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 and numerous interested parties.

Approval of Minutes

Annette Atkinson made a motion to approve the June 27, 2013 minutes. Michael Dwyer seconded the motion. Motion passed 3-0.

Announcements

United Way of Monroe County – Annette Atkinson announced that September 12, 2013 marks United Way of Monroe County “Day of Caring 2013” and volunteers are needed. Teams are currently being formed (flyers are available at the township) and a challenge between the employees of the Township Operations Department and Public Works Department has been issued.

Historical Commission June 30, 2013 Event – Ms. Atkinson announced that the expedition of trying to locate the remains of the Hyndshaw Saw Mill was exciting and a lot of things were found, however the landmark is located within Lehman Township. The event drew seventeen adults and five children to help locate the saw mill. Danny Younger of the Historical Commission was also thanked for initiating and helping with the event.

Report of Executive Sessions

Attorney Gaul reported that an executive session was held prior to this meeting to review pending township legal matters with the solicitor and the Rohner statutory appeal.

Mid-Year Report 2013

Annette Atkinson and Michael Dwyer presented a Power Point of the Middle Smithfield Township Mid-Year Report dated July 2013. The overview of the mid-year report reviews the mission vision, accomplishments and plans of the general government, operations, public works and boards, committees & commissions

Public comments were received with regard to the presentation as follows:

Nancy Bittner questioned the supervisors as to why Pocono Township would be included in the leaf composting program. Michael Dwyer stated that they would only drop off as they do not have a facility close by. The expense would be distributed through each township.

John Davis questioned the tax forgiveness that was mentioned in the presentation. Annette Atkinson stated that it is NOT tax “forgiveness”, but the state Local Economic Revitalization Tax Assistance program, which implements a phase-in of higher tax rates over years, based on the value of the property improvements.

Pat Forney stated that the presentation given tonight was very impressive and also thanked Ms. Atkinson and Mr. Dwyer for coming out to speak to their White Heron HOA about the composting facility.

Correspondence

A request for yearly membership was received from the Brodhead Watershed. Annette Atkinson made a motion to send \$500.00 for the township to become a member. Mitchell Marcus seconded the motion. Motion passed 3-0. Ms. Atkinson stated that the Brodhead Watershed protects our waters and streams throughout the county.

A request for yearly membership was received from Pocono Arts Council. Michael Dwyer made a motion to renew the membership in the amount of \$400.00. Mitchell Marcus seconded the motion. Motion passed 3-0.

Treasurer’s Report

Michael Dwyer made a motion to pay the general fund payables in the amount of \$199,817.43. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to pay the sewer fund payables in the amount of \$52,149.90. Mitchell Marcus seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to pay the golf course payables in the amount of \$17,637.29. Mitchell Marcus seconded the motion. Motion passed 3-0.

Solicitors Report

Proposed Ordinance 195; Fire Lanes – Attorney Gaul recommended tabling action on the proposed ordinance as the supervisors are currently reviewing who will enforce the proposed ordinance. Annette Atkinson made a motion to table. Mitchell Marcus seconded the motion. Motion passed 3-0.

Water Gap Preserve Development; Release of Financial Security – Attorney Gaul reported that the township no longer is required to hold financial security for the improvements of Water Gap Preserve, and as such, the bank has requested a full release of said financial security. Attorney Gaul recommends full release of Bond 1023605 and Bond 1023606. Annette Atkinson made a motion to release the bonds. Michael Dwyer seconded the motion. Motion passed 3-0.

Engineers Report

Fairway Villas Parking lot Project Land Development Plan & Request for Modifications – Christine Himler of Reilly Associates representing The Bushkill Group presented a seventy-six (76) car parking lot plan that will be located within the Fairway Villas Development. There will be impervious pavement as the soil testing is very good for infiltration. The plan shows landscaping and lighting. The purpose is to support the staff parking and the villas.

Fred Courtright reported that the township planning commission has recommended approval with the addition of one note being added to plan with regard to handicap parking. Mr. Courtright recommends approval with the following conditions: payment of all fees be received by the township, signing of an Improvements Agreement, signing of a Stormwater Maintenance Agreement, acceptable Cost Estimate for improvements, acceptable financial security for improvements, required contribution to Stormwater Maintenance Fund and receipt of the E&S and PCSM approvals from outside agencies.

Annette Atkinson made a motion to conditionally approve the Fairway Villas parking Lot Project Land Development plan as stated and grant the three (3) modification requests, namely tree species/size to avoid conflict with overhead power lines and to minimize leaf litter in the vicinity of the pervious pavement to avoid clogging, providing grid numbers as they are no longer used, and allow the use of standard 24"x36" sheet size paper.

New Business

Authorize BIU to Proceed with Enforcement of Order to Demolish – Annette Atkinson made a motion to proceed. Michael Dwyer seconded the motion.

Rich Kowski asked what is to be demolished. Ms. Atkinson stated that there are several properties within the township, including Pocono Heights and Monroe Lakes developments. John Davis asked who will pay for the demolition. Mr. Dwyer stated that the township outlays the funds but a lien will be placed and in the event the property is sold the township will recoup its money.

Motion passed 3-0.

Cancel and Reschedule the Board of Supervisors September 12, 2013 meeting – Due to the United Way of Monroe County Day of Caring event, Annette Atkinson made a motion to cancel the regular meeting of September 12, 2013 and reschedule it for Tuesday, September 10, 2013. Mitchell Marcus seconded the motion. Motion passed 3-0.

Middle Smithfield Township Group Health PPO Plan – Annette Atkinson made a motion to approve the Plan Document for the Middle Smithfield Township Group Health PPO Plan

effective date January 1, 2008 amended and restated April 1, 2013. Michael Dwyer seconded the motion. Mitchell Marcus stepped out of the meeting. Motion passed 2-0.

Employee Handbook Amendment – Annette Atkinson made a motion to remove the compensatory time and include the CCP Clubhouse Rental Agreement, employee version, to the appendix of the employee handbook. Michael Dwyer seconded the motion. Motion passed 3-0. Mitchell Marcus rejoined the meeting.

Richard Kowski asked if this applies to the Board of Supervisors. Annette Atkinson stated that under the 2nd Class Township Code, the elected auditors set the supervisors pay and have always capped the pay for all three at 30 hours per week, no matter if they work 40 50, 60 or 8-hours a week ; no Supervisor has ever received overtime, and therefore, no comp time..

Motion passed 3-0.

Dosch-King Co, Inc. – Michael Dwyer made a motion to release the balance for 2012 with regard to the paving they completed in 2013. Certifications have been received from PennDOT and a letter from the contractor regarding the warranty has been received. Mitchell Marcus seconded the motion. Motion passed 3-0.

Schedule Fall Cleanup – Michael Dwyer made a motion to schedule and advertise for sealed bids for containers. Annette Atkinson seconded the motion. Motion passed 3-0.

Public Comment

Danny Younger of the MST Historical Commission thanked the supervisors for their support of the commission and also thanked John Donahue, Superintendent Delaware Water Gap National Park Service and Annette Atkinson for the get together after the expedition.

Richard Kowski questioned the supervisors about having their meeting board packets available for the public prior to the meeting.

Attorney Gaul stated that a Right to Know request needs to be submitted and then legal rights have to be reviewed by the solicitor.

Attorney Gaul explained to Mr. Kowski that he will need to write down what he would like done. There was discussion regarding an article relating to a school districts board packet and Attorney Gaul stated that he is very familiar with the case and it has to do with only the resolution within the packets.

Attorney Gaul stated that since a request to review policies has come in, the Board of Supervisors will need to discuss. No action taken.

Larry Dymond asked if the supervisors could pass an ordinance to cut down/remove trees hanging on wires, as utility companies (Met Ed, Blue Ridge Cable, and Verizon) will not remove trees on wires until they vreak the wires. Annette Atkinson stated that Attorney Gaul would have to look into it.

Joe Catalfmo discussed Ordinance No. 78.

Pat Fisher stated that she has noticed within the last two (2) month, there are numerous flags and ugly signs up and down Route 209 and asked if there is an ordinance. Annette Atkinson stated that there is and another one is also under review.

Mr. Catalfmo broached the subject again with regard to his driveway and Ordinance No. 78 and was told by Annette Atkinson that he has taken the matter to court and the court system has made the decision, if he wants to bring it up further it needs to be done in court and the township cannot overturn anything Monroe County Court has decided..

Annette Atkinson made a motion to adjourn the meeting at 8:50 p.m. Michael Dwyer seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell
 Township Secretary
 July 11, 2013

General Fund Payables List

Num	Name	Memo	Amount
10752	A.J. Smith Electric Motor Service	inv 34636 bearings, machine shaft	-133.00
10753	AFLAC	insurance inv 267069	-503.48
10754	Allstate Septic Systems, LLP	inv 225363 Echo Lake & Ressica handicap units	-260.00
10755	BIU of PA, Inc.	inv 01000120029505 permits	-1,605.00
10756	Bradco Supply Co	inv 96801-96808	-303.60
10757	BWP-Carquest Auto Parts	inv 8348-40142/42503/42609/42530 parts	-100.08
10758	Claude S. Cyphers, Inc	inv 611664/11656/11751/11870/120287	-237.11
10759	Cramer's Home Center	inv 906306/912377	-227.69
10760	Cramer's Welding & Repairs	inv 231868 repair leaf vac	-20.00
10761	E.M. Kutz	inv 44918-in strobe lights	-148.80
10762	Eureka Stone Quarry	inv 103600	-1,216.84
10799	Stroud Township	2000 Mack Truck	-31,000.00
bc	Wayne Bank	Service Charge	-10.00
Trf	Middle Smithfield Township	Payroll Funds Transfer	-63,886.64

10800	M.S.T.S.D.	Sewer portion per agreement Water Gap Preserve	-36,800.00
10801	American Crane & Tractor Inc.	inv 1517265 / 1517476 / 1518197	-2,051.60
10802	BIU of PA, Inc.	inv 0100-0120-029602 permits	-7,880.21
10803	Brodhead Watershed Association	adopt a stream donation	-500.00
10804	BWP-Carquest Auto Parts	8348-30449/31839/42893/43604/44031 ZC79451,52; dc 25012,53165,dd32801 new computer system	-159.74
10805	CDW Government		-2,333.00
10806	Claude S. Cyphers, Inc	inv's 611745 / 612237	-178.99
10807	Cleveland Brothers	inv's Serv6310748 / 749	-3,238.00
10808	Cramer's Powerhouse	inv 312966 Toro Z G3	-7,779.36
10809	Debbi Manter	inv 1037 cleaning bldg "A"	-800.00
10810	Dunkelbergers Sports Outfitter	12597-12716 uniforms	-2,837.55
10811	Eureka Stone Quarry	inv's 103494 / 755 road materials	-3,127.51
10812	FedEx	inv 231567521	-51.39
10813	Frank J. Smith, Jr. Inc	inv 13118 survey Prairie Lane, Fox Hollow Estates	-750.00
10814	GreatAmerican Leasing Corp	inv copier lease	-304.50
10815	Ken Miller, Inc	inv 12087 Banner Pole installation	-3,865.49
10816	KODE Electric	inv 201200526 new LED exit sign	-210.00
10817	Kosch Company	inv 29309-IN sickle mower skid steers	-278.44
10818	Lawson Products, Inc.	inv 9301757070 bolts & supplies	-141.76
10819	Lewis True Value	a358226/359615/359564/362685 misc parts	-58.51
10820	M.S.T.S.D.	MS-0032 3rd qtr sewer	-265.00
10821	Marshalls Machinery	inv's 482945 /12761	-141.06
10822	Middle Smithfield Township 2012 GOB	2012 GOB General Fund portion installment	-11,491.67
10823	Monroe Legal Reporter	inv 22362 7/1-12/31/13 subscription	-37.50
10824	Newman, Williams, Mishkin, Corveleyn Northeast Fire Services & Inspections, LL	inv 86982 Hott PA	-165.00
10825	LL	inv s023-13 HVAC repairs	-2,718.34
10826	Opdeke's Sales	inv t81894 axle nut	-25.41
10827	Pennsylvania American Water	a/c 2419890492 hydrants	-120.51
10828	PMRS	45-027-5N	-8,379.82
10829	Pocono Record	inv 656424 public notices	-294.20
10830	Staples Contract and Commercial	7000691282/700292/700293	-678.86
10831	Tractor Supply Credit Plan	a/c 6035301203356330	-45.97
10832	United States Treasury	Form 720-V PCOR Fee	-45.00
10833	Varkados Telecom, Inc.	inv 4637 phone repairs	-90.00
10834	Warehouse Battery Outlet, Inc	230530/230540	-385.80
10835	BIU of PA, Inc.	inv 01000120029684 zoning officer 6/3-7/5	-1,935.00
			-
			199,817.43

Golf Course Payables

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
2447	PA Liquor Control Board	LID-63287 lic. renewal fee	(860.00)
wt	USB Equipment Finance	Toro Lease	(1,325.16)

2448	Allstate Septic Systems, LLP	inv 225680 , 219125 pumping maint bldg	(271.30)
2449	Blue Ridge Communications	a/c 0109950-03	(49.95)
2450	BWP-Carquest Auto Parts	inv 8348-42516 filters, gloves, etc	(94.13)
2451	Emergency Systems Service Co	inv 0177472-in generator repairs	(581.00)
2452	Fisher & Son Co., Inc.	inv 124751-in greens maintenance supplies	(611.34)
2453	Genesis Turfgrass Inc.	inv 24266e / 24268 greens maintenance supplies	(9,600.00)
2454	Hellers Gas, Inc.	inv 97668 propane	(74.95)
2455	Lewis True Value	inv a364104 keys	(29.81)
2456	M.S.T.S.D.	BR-amenity 3 3rd qtr	(2,385.00)
2457	Met-Ed	a/c 100081784231 Big Ridge Dr monthly installment for 2012 GOB 2013 payments	(44.77)
2458	MST 2012 G.O.B.		(863.02)
2459	Nagle Elevator Inspection & Testing	inv 7377 inspection	(70.00)
2460	R&R Products	inv's 1694318 / 1694322 / 1695936 reimburse for signs, & table runner cleaning receipts	(391.03)
2461	Ray White.		(40.00)
2462	Service Tire Truck Center, Inc.	inv I86618-26	(170.83)
2463	Sibum's Auto Parts	inv 87707 fuel tank for blazer	(175.00)
			<u>(17,637.29)</u>
			<u>(17,637.29)</u>