

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Thursday, August 22, 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., Keely Collins, Esq., Township Secretary Michele L. Clewell, Stenographer Donna Kenderdine and numerous interested parties. (Township Engineer Fred Courtright, P.E. was excused from the meeting).

### **Approval of Minutes**

Annette Atkinson made a motion to approve the August 8, 2013 minutes. Michael Dwyer seconded the motion. Motion passed 3-0.

### **Report of Executive Sessions**

Attorney Gaul reported that an executive session was held with the supervisors prior to the meeting to discuss pending legal matters with the solicitor.

### **Announcements**

Annette Atkinson announced that Township events such as the Health Care Seminar will be held on Wednesday, September 18, 2013 at 7:00 p.m., and Day in the Park is scheduled for September 21, 2013. Ms. Atkinson also welcomed Blue Lightening at Fernwood and explained that this is snow tubing in the summer.

### **Public Hearing**

Pawn Shop Regulations Ordinance No. 194 – Donna Kenderdine took a stenographic record of the public hearing.

Annette Atkinson made a motion to open the public hearing at 7:09 p.m. Michael Dwyer seconded the motion. Motion passed 3-0.

Attorney Gaul stated that at one time proposed ordinance 194 was for the Hiawatha Road Dedication and that ordinance 193 was for the Floodplain Amendment. Therefore in order to keep the numbering in numerical sequence, the Pawn Shop Ordinance will be 194 and a number will not be issued for the Hiawatha Road Dedication until it goes before the supervisors for adoption.

Attorney Gaul entered the Township Exhibits into the record.

Attorney Gaul stated that the amendments to the proposed ordinance are not substantial. Attorney Gaul stated that the original application fee for licenses was \$400.00; however it is

now \$750.00 and it was clarified that in addition to the Township Code Enforcement Officer, the following individuals are authorized to enforce the ordinance on behalf of the Township: any county detective of the Office of the Monroe County District Attorney, any duly appointed or commissioned law enforcement officer of the Commonwealth of PA and any other person authorized by the board of Supervisors by resolution.

Attorney Gaul asked for public comment. There was no public comment offered.

Annette Atkinson made a motion to close the hearing at 7:14 p.m. Mitchell Marcus seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to adopt Ordinance No. 194. Mitchell Marcus seconded the motion.

Oscar Woerlein asked is it the township that issues the license for a pawn shop, Attorney Gaul replied, yes. Mr. Woerlein asked if all townships will adopt this type of ordinance. Attorney Gaul replied that the DA's office has asked that they do it. Joyce Fenical asked for the location of the pawn shop(s).

Motion passed 3-0 to adopt Ordinance No. 194.

### **Acceptance of Bids**

Fall Cleanup Containers – Michael Dwyer reported that Waste Management was the only bid received. The bid was opened and read aloud, at \$19.30 per cubic yard. Michael Dwyer made a motion to accept the bid. Annette Atkinson seconded the motion.

John Davis questioned the price for the spring cleanup containers. Michael Dwyer stated that the prices are the same.

Motion passed 3-0 to accept the Waste Management bid.

Echo Lake Park Pavilion – Michael Dwyer reported that bids were received from Chilewski Enterprises and CB Structures. The bids were opened and read aloud. Chilewski Enterprises at \$49,000.00 and CB Structures at \$11,995.00.

Michael Dwyer made a motion to accept the bids for further review. Annette Atkinson seconded the motion.

John Davis asked how the bids could be so different. Michael Dwyer said he did not know, that's why they have to be reviewed. Richard Kawski asked about the prevailing wages. Attorney Gaul stated that prevailing wages are still in effect.

Motion passed 3-0 to accept both bids for review.

## **Treasurer's Report.**

Michael Dwyer reported that the Township remains in good financial health.

The Public Works Department has been working on Mt. Nebo and Timothy Lake Road, while prep work on Keystone has begun on order to pave.

A conference call with PennDOT on August 19, 2013 was held in order to discuss the recycling facility.

Payables – Michael Dwyer made a motion to pay the general fund payables in the amount of \$109,980.60. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to pay the sewer fund payables in the amount of \$29,594.67. Annette Atkinson seconded the motion passed 3-0.

Michael Dwyer made a motion to pay the golf course payables in the amount of \$28,878.50. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to pay the liquid fuels payables in the amount of \$301.22. Annette Atkinson seconded the motion. Motion passed 3-0.

## **Solicitors Report**

Hott PA, Inc. Land Development Plan for 5049 Milford Road - Attorney Gaul stated that the Township Alternate Solicitor, Gerry Geiger, has been in contact with the developer and has worked out a (60) day extension for review which would run until October 30, 2013. Annette Atkinson made a motion to accept the extension letter for October 30, 2013. Mitchell Marcus seconded the motion. Motion passed 3-0.

CCP Phase 3 Section 5 PRD Land Development Time Extension Request – Attorney Gaul stated that the applicant has provided an extension of time to November 15, 2013. The planning commission has approved already, however the supervisors also need to approve. Annette Atkinson made a motion to accept and approve the extension letter from the applicant's attorney, Charlie Vogt, Esquire. Michael Dwyer seconded the motion. Motion passed 3-0.

## **Engineers Report**

None

## **New Business**

Resolution No. 08-2013-01; Catherine Driscoll Joinder Deed – Annette Atkinson made a motion to approve the Driscoll Joinder Deed. Michael Dwyer seconded the motion passed 3-0.

Resolution No. 08-2013-02; Walter and Joan Janosek Joinder Deed – Annette Atkinson made a motion to approve the Janosek Joinder Deed. Michael Dwyer seconded the motion. Motion passed 3-0.

Resolution 08-2013-03; Township Code Enforcement Officer – Annette Atkinson made a motion to approve the Township code Enforcement Officer Resolution, naming Dave Manter of BIU as the Township Code Enforcement Officer. Michael Dwyer seconded the motion.

John Davis questioned how Mr. Manter would be paid. Ms. Atkinson stated that BIU is Mr. Manter employer not the township and he would only go out at the direction of the Township.

Motion passed 3-0.

Resolution 08-2013-04; Revoke Land Development Plan for Proposed Lease Parcel on a Portion of Lands of Middle Smithfield Township – Annette Atkinson made a motion to revoke the land development plan. Michael Dwyer seconded the motion. Motion passed 3-0.

Resolution 08-2013-05; Authorizing the Placement of Banners across a State Highway or within the Highway Right of Way – The Resolution updates the Township's procedures regarding the placement of banners across Route 209, and supersedes the prior Township resolution on the same subject. Annette Atkinson made a motion to approve the revised resolution. Michael Dwyer seconded the motion.

Richard Kawski questioned if the current banner that is up now at the Big Ridge Development entrance is in compliance, Annette Atkinson replied that is.

Motion passed 3-0.

Appoint HIPAA Privacy Official – Annette Atkinson made a motion to appoint Michele L. Clewell as the HIPAA Privacy Official. Michael Dwyer seconded the motion.

John Davis asked what the purpose of the appointment is. Michele Clewell explained that final regulation regarding privacy and security rules must be implemented prior to September 23, 2013 and a privacy official must be named. Richard Kawski asked who the drug and alcohol person is. Michele Clewell replied that she is.

Motion passed 3-0.

URDC Zoning and SALDO Proposal – Annette Atkinson made a motion to accept the proposal in the amount of \$33,000.00. Michael Dwyer seconded the motion.

Richard Kawski asked if this is a yearly contract. Ms. Atkinson replied, no this is for the entire zoning and SALDO and by 2014 we should have both completed.

Motion passed 3-0.

**Public Comment**

Richard Kawski asked about the golf course expenses and that the township has to pay these expenses. Annette Atkinson stated that it costs less to open and run the golf course than it does to close it. Catering events were discussed. Ms. Atkinson stated that when someone wants to rent the building for an event, it does not cost the township any money.

John Davis stated that crime in the township is scaring a lot of people and they are moving out. This is going to force us into a police force. Mitchell Marcus stated that additional pressure needs to be placed on the state legislatures to hire additional state police. Mr. Marcus also stated that PA State Constables can also be used if the township empowers them. Michael Dwyer stated that this is the first year township did not receive state police fines as they were to hire additional state police.

Richard Kawski questioned the supervisors about the bridges within the township as the state just listed all the deficient bridges. Michael Dwyer stated that the bridges are inspected and are posted with the weight limits.

Michael Dwyer stated that the supervisors anticipate bridge repairs in the future and plan to use the liquid fuels money.

**Adjournment**

Annette Atkinson made a motion to adjourn the meeting at 7:56 p.m. Mitchell Marcus seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell  
Township Secretary

**General Fund**

<b>Date</b>	<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
08/14/2013	Trf	Middle Smithfield Township	payroll Funds Transfer	-42,535.97
08/19/2013	10920	M.C.A.T.O.	full page ad conventionand banquet dinner	-85.00
08/19/2013	10921	Magic & More Entertainment	magic show for BBq	-225.00
08/19/2013	10922	Strauser Natures Helper	tool boxes	-150.00
08/22/2013	10923	Acco Brands Direct	inv 4693977175 daytimer refill	-77.98

08/22/2013	10924	Bergey's, Inc	parts invoices lees credits 42845/429020/429017	-110.15
08/22/2013	10925	BWP-Carquest Auto Parts	inv 8348-46311 toggle switches	-21.52
08/22/2013	10926	Canfields Pet & Farm	inv 123078 spayer nozzle for paver	-9.99
08/22/2013	10927	Cintas Corp	inv 101279621 cleaning	-74.00
08/22/2013	10928	Claude S. Cyphers, Inc	inv 613470/683/753 parts	-197.98
08/22/2013	10929	Cramer's Home Center	inv 941979 cable parts for 209 Banner	-999.49
08/22/2013	10930	Cramer's Welding & Repairs	inv 231887/231890 repair fuel tank leaks	-150.00
08/22/2013	10931	Dawn M. Arnst Tax Collector	Postage & supplies	-44.27
08/22/2013	10932	DES	inv 50165 shredding	-200.00
08/22/2013	10933	FedEx	inv 236667762	-19.87
08/22/2013	10934	Gilmore & Associates, Inc.	June Engineering inv 126143-146	-13,228.57
08/22/2013	10935	GTS-Welco	inv 23631450 fill tanks for welding	-95.52
08/22/2013	10936	ISObunkers, LLC	inv ainv0059174 biodiesel 1500 gals	-4,890.00
08/22/2013	10937	King, Spry, Herman, Freund & Paul LLC	July Legal Fees inv's 84487-84498	-12,302.50
08/22/2013	10938	Mailfinance	inv n4147516 postage machine	-463.38
08/22/2013	10939	Met Ed PA Municipal Health Insurance	a/c 100069220836 River Rd signal	-13.48
08/22/2013	10940	Cooperative	052801 health insurance	-22,039.81
08/22/2013	10941	Panko Reporting	inv 28752 jh Depositions of Wise & Hickey	-782.15
08/22/2013	10942	Pennsylvania American Water	a/c 2419890492 hydrants	-120.51
08/22/2013	10943	Penteledata	inv b2033960 emailboxes	-128.97
08/22/2013	10944	PMRS	a/c 45-027-5N pension	-4,141.25
08/22/2013	10945	Pocono Profoods	inv 505289 center pull towels	-99.60
08/22/2013	10946	RICOH USA, Inc	inv 90544276 copier	-1,283.56
08/22/2013	10947	S & W Starter	starter paver	-65.00
08/22/2013	10948	Service Tire Truck	inv j40373-26 tires & flat tire repairs	-786.95
08/22/2013	10949	The Hartford -Priority Accounts	inv 6225673-0 insurance	-1,121.35
08/22/2013	10950	Tulpehocken Spring Water	inv 1327150-1333429 water	-79.95
08/22/2013	10951	Verizon	5702238920 bldg "A"	-679.67
08/22/2013	10952	Met Ed	a/c 100059550028 Echo Lake	-17.58
08/22/2013	10953	Met Ed	a/c 100036091245 bldg "B"	-779.36
08/22/2013	10954	Met Ed	a/c 100016951467 bldg. "A"	-1,916.72
08/22/2013	10955	Met Ed	a/c 100016915751 Municipal Signal	-17.94
08/22/2013	10956	Met Ed	a/c 100073577916 Sellersville Light	-25.56
				-
				109,980.60

## Golf Course

Date	Num	Name	Memo	Amount
08/16/2013	2513	R.H. Hurley LLC	June consulting fee	(1,000.00)
08/19/2013	2514	LT Verrastro Beverage	beer	(122.22)
08/22/2013	2515	Allan Rotto Consultants, Inc	vz #101 Aug payment	(42.00)

08/22/2013	2516	Berkley Mid-Atlantic	a/c 10043096 insurance installment	(1,755.00)
08/22/2013	2517	Finch Services, Inc	inv's Z17587/17602/17613 cm 17595	(515.48)
08/22/2013	2518	Golf Car Specialties, LLC	golf cart lease payment S1052331/1052324	(16,156.00)
08/22/2013	2519	Mark Oney	reimburse for snacks for pro shop & bev cart	(197.09)
08/22/2013	2520	Met-Ed	100081748863 golf maint bldg	(136.35)
08/22/2013	2521	Middle Smithfield Materials, Inc.	inv 22362 sand	(58.50)
08/22/2013	2522	Miggy's Corp 5	a/c 15 food for clubhouse June- July	(1,024.21)
08/22/2013	2523	Northeast Fire Services & Inspections, LL	inv S033-13Sprinkler system repairs	(1,039.84)
08/22/2013	2524	PA American Water	2420746279 Big Ridge Dr	(14.31)
08/22/2013	2525	Pocono Mountains Vacation Bureau	inv 55957 2013-14 Attraction membership class III	(1,100.00)
08/22/2013	2526	Rubber Cal	inv in181781 mats for kitchen	(718.02)
08/22/2013	2527	Superior Plus Energy Services	inv's 590750/751/752 gas & diesel	(2,511.73)
08/22/2013	2528	Verizon	570223814063192y alarm	(49.18)
08/22/2013	2529	Met-Ed	100081748855 pump house Tom X Rd	(695.18)
08/22/2013	2530	PA American Water	2420746287 Big Ridge	(77.48)
08/22/2013	2531	Verizon	570223737828754y fire	(126.47)
08/22/2013	2532	Met-Ed	a/c 100081748848 clubhouse	(1,356.07)
08/22/2013	2533	Met-Ed	a/c 100104048101 pump house Doral Ct	(76.77)
08/22/2013	2534	Met-Ed	a/c 100085171773 gaurd shack	(106.60)
				<u>(28,878.50)</u>

### Liquid Fuels

Date	Num	Name	Memo	Amount
08/22/2013	2005	Asphalt Maintenance Solutions, LLC	inv 1806 Line painting Hidden Lake rd difference from contract	-301.22
				<u>-301.22</u>