

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Thursday, August 27, 2015 at 7 pm at the Schoonover Municipal Building with Annette Atkinson presiding.

Supervisors present: Annette Atkinson, Mike Dwyer and Mitchell K. Marcus. Also in attendance; Township Solicitor Michael Gaul, Esq., Township Engineer Fred Courtright, P.E., Township Secretary Michele Clewell, several residents and a member of the press.

Presenters present: Frank J. Smith, Jr. P.L.S. of Frank J. Smith, Jr. Inc.

Pledge of Allegiance

Approval of Minutes

Annette Atkinson made a motion to approve the August 13, 2015 minutes. Mike Dwyer seconded the motion. Motion passed 3-0.

Report of Executive Session

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

Announcements

The 11th Annual Memory Makers was held on Saturday, August 22, 2015 at the Shawnee Inn Resort on Saturday, August 22, 2015 with approximately 200 in attendance. This year's Memory Makers coincided with the 60th anniversary of The Flood of 1955. Mary Shafer, author of *Devastation on the Delaware* spoke about the events of The Flood of 1955 and the resiliency of the Pocono spirit.

Neil Davis, a Scottish veteran, is walking across America to raise funds for two veterans' charities, Combat Stress [UK] and the Wounded Warrior Project [USA]. The township was only made aware of the veterans walk on Friday. A dinner fundraiser to support Veterans and raise awareness of combat related stress and PTSD, or post-traumatic stress syndrome, was quickly put together and held on Tuesday, August 25, 2015 at the Whispering Pines Banquet Hall. Over \$2,600 was raised so far for this worthwhile cause – an impressive amount with just 3 days' notice. A special thank you to all the volunteers that made this event possible, especially Don Henry, Dave Manter and Andy Zaso. In order to round up the donations, the Board of Supervisors decided that Middle Smithfield Township will donate \$300. Steven Natiello and the township created mstHelpsVets.com, which will remain active throughout the walk to continue to raise money for vets, and will have veterans events posted to it, as well as veterans resources and services added to the page.

Correspondences

A thank you letter was received from Janie Hetu thanking the supervisors with their assistance with her senior project by providing the decorative rocks for the CCP pond area.

A thank you letter was received from AWSOM thanking the supervisors for the Township's donation of rounds of golf as prizes at the 7th Annual AWSOM Golf Tournament.

Annette Atkinson read a thank you note from Neil Davis thanking everyone for the great fundraising event. The Township's sense of community spirit, generosity, friendship and compassion still has him reeling. This is a testament to you all as individuals, as a community and as Americans.

Status of Bid

Mike Dwyer stated that two weeks ago the supervisors received one bid for 60 golf carts and one beverage cart from Golf Car Specialties. If the one year renewal option is selected under the current contract the golf carts will be four years old in 2016. Under Golf Car Specialties' proposal, it will only cost the Township \$1,400 more to have new carts in 2016, and in addition the Township will lock in a favorable rate for years 2017 and 2018, with an option for 2019.

Mike Dwyer made a motion to accept and award the contract to Golf Car Specialties for (60) new golf carts (Alternative #3) and (1) new beverage cart, with the Lessor (MST) performing any and all necessary repairs. Annette Atkinson seconded the motion.

Mitchell Marcus asked how many carts, Mike Dwyer stated (60 new carts and (1) beverage cart, same as the current contract.

James Moriei asked why the supervisors didn't attempt to negotiate a lower the price with the vendor. Attorney Gaul stated that as a local government we cannot do that, we are under the 2nd Class Township Code and we must do competitive bidding.

Mitchell Marcus asked if we can't rebid in order to get more bids. Mike Dwyer stated that golf cart leasing companies are primarily used to doing business with private clubs, and not governmental entities. Businesses are not bidding due to the Second Class Township Code procurement requirements, which are stringent, compared to the private sector. Attorney Gaul stated that companies are required to post bonds and they may not be able to do that. Also, there are not a lot of companies that are in the business of golf cart leasing.

Motion passed 3-0.

Treasurers Report

Mike Dwyer reported that through mid-August the golf account is doing well, sewer is at budget and the general account income is 10% below budget.

Payables - Mike Dwyer made a motion to pay the general fund payables in the amount of \$101,604.93. Annette Atkinson seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the sewer fund payables in the amount of \$51,517.91. Mitchell Marcus seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the golf fund payables in the amount of \$27,873.18. Annette Atkinson seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the liquid fuels fund payables in the amount of \$58,915.18. Mitchell Marcus seconded the motion. Motion passed 3-0.

Solicitors Report

None

Engineers Report

Roger & Teresa Kuntz Minor Subdivision – Frank J. Smith, Jr. P.L.S. of Frank J. Smith, Jr., Inc. presented the subdivision plan on behalf of his client. This is a four lot subdivision, between Barren and Wooddale Road. Most of the lots have wetlands; however, primary and reserve septic areas are depicted on said plan.

Fred Courtright stated that the MST Planning Commission recommended the plan to be forwarded to the supervisors.

Mr. Courtright stated that a request for modifications has been received for the grid location lines as they are no longer used by Monroe County Emergency Services.

Mr. Courtright explained that since this is not a community type subdivision, the applicant would be required to pay fees under the SALDO, instead of providing open space land.

Mr. Courtright recommends approval of the minor subdivision plan and request for modification, subject to payment of the open space fee as outlined in the SALDO, paying any outstanding township fees and approval of the PA DEP sewage planning module.

Annette Atkinson made a motion to approve the Roger & Teresa Kuntz Minor Subdivision Plan based on the MST Planning Commission and MST Township Engineer's recommendation, subject to the Engineer's stated conditions, and also to grant the requested modification. Mitchell Marcus seconded the motion. Motion passed 3-0.

Sussex Bank Minor Subdivision Frank J. Smith, Jr. P.L.S. of Frank J. Smith, Jr., Inc. presented the subdivision plan on behalf of his client. The property is located on Mt. Nebo Road. The plan divided 4.7 acres with an existing right of way and driveway.

Fred Courtright stated that wetlands delineation was done in 2011 and that and they received Jurisdictional Termination that has a 5 year limit; a modification request has been submitted to extend the 3 year time limit to 5 years (ending in 2020). Mr. Courtright recommends this modification be approved as well as the grid line location as they are no longer required by the Monroe Country Emergency Services.

Mr. Courtright also stated that as this is not a community type subdivision, the applicant would be required to pay fees under the SALDO, instead of providing open space land.

Attorney Gaul asked what the expectations of the property once subdivided are and Mr. Smith stated that one lot will probably be commercial while the other is residential.

A courtesy copy was sent to Smithfield Township as a portion of the property is within that township and no official response has been received.

Annette Atkinson made a motion to approve the Sussex Bank Minor Subdivision plan, (2) request for modifications subject to payment of the open space fee as outlined in the SALDO, paying any outstanding township fees and approval of the PA DEP sewage planning module. Mike Dwyer seconded the motion. Motion passed 3-0.

Resolution 08-2015-2; Deerfield Spa Sewage Planning Module – Frank Smith Jr. Jr. P.L.S. of Frank J. Smith, Jr., Inc. presented the sewage planning module for the Deerfield Manor and Spa. The scope of the project is to construct a new on lot sewage disposal system to more efficiently serve the existing seasonal and recreational establishment. There is no expansion for use proposed. The existing elevated sand mound, can no longer handle the sewage flows. Mr. Courtright recommends approval of the module and forwarding to PA DEP.

Annette Atkinson made a motion to approve Resolution 08-2015-2 and forward the sewage planning module to PA DEP. Mike Dwyer seconded the motion. Rich Kawski asked if the sand mounds will be in ground. Mr. Smith stated that they will be elevated sand mounds. Motion passed 3-0.

Request to Release Escrow Fund for the ESSA Bank & Trust – Fred Courtright stated that a request was received from ESSA Bank & Trust for release of their security deposit. Following inspection of the site and review of the request, he recommends that the requested release in the amount of \$1,100.00 of the security guarantee and the submitted improvements be approved. All work proposed by the approved Land Development Plan has been satisfactorily completed. Annette Atkinson made a motion to release the escrow as recommended by the MST Township Engineer. Mitchell Marcus seconded the motion. Motion passed 3-0.

Old Business

None

New Business

Request to Waive Banner Fees for the Church of Saint John – A request to waive the banner fee of \$750.00 was received from the Church of Saint John in order to promote their golf tournament. Annette Atkinson made a motion to deny the request as the township is not permitted to donate to churches, and the golf fundraiser was to raise money for the church, not a charity. Mike Dwyer seconded the motion. Motion passed 3-0.

Echo Lake Landing Land Development Plan – Annette Atkinson stated that the supervisors previously approved the extension of approvals for the plan for (1) year; however it should have been for (2) years. Annette Atkinson made a motion to extend the approvals of the plan for total of (2) years, expiring August 25, 2017.

Resolution 08-2015-3; Kim & Joy Warner Joinder Deed – Annette Atkinson made a motion to approve the Joinder Deed. Mike Dwyer seconded the motion. Motion passed 3-0.

Resolution 08-2015-5; Andrew Fornaro Joinder Deed – Annette Atkinson made a motion to approve the Joinder Deed. Mike Dwyer seconded the motion. Motion passed 3-0.

The motions to adopt the foregoing Joinder Deed Resolutions were subject to the payment of the required fee under the Township’s Joinder Deed Policy.

Minimum Municipal Obligation (MMO) for the 2016 MST Pension Plan – Annette Atkinson made a motion to approve the MMO for 2016 and forward to PMRS. Mike Dwyer seconded the motion. Motion passed 3-0.

PennDOT Agreement to Authorize Electronic access to PennDOT Systems – Mike Dwyer made a motion to enter into an agreement with PennDOT for online permit access. Mitchell Marcus seconded the motion. Motion passed 3-0.

Resolution 08-2015-4; Authorize Specific Township personnel the Authority for Electronic Access to PennDOT Engineering and Construction Management System – Mike Dwyer made a motion approving Resolution 08-2015-4. Mitchell Marcus seconded the motion. Motion passed 3-0.

Public Comment

Rich Kowski questioned the decision of the Board of Supervisors, at its meeting on August 13, 2015, to authorize the code enforcement officer to send out notices of nuisance violations without additional prior authorization from the Board. . Attorney Gaul stated that anyone who receives a notice can appeal it. The authority given to the code enforcement officer is no different than the authority the Municipalities Planning Code (MPC), and Township Zoning Ordinance, give to the zoning officer to send out notices of violation without prior direction by the Board of Supervisors. It is impractical for the supervisors to authorize every single notice of violation for a nuisance under Chapter 136 of the Code of Township Ordinances. Mr. Kowski stated that he believes the zoning officer is nit-picking. Annette Atkinson asked for examples of notices of violation Mr. Kowski considered nit-picking; he was not able to provide any. Annette Atkinson stated the zoning officer is doing his job and the zoning report is a public record and if he would like to see it, to request it; in fact copies of the Mid-Year report, which Rick Kowski attended, provide a list of the 2015 notices, and they are on the side table; also, the monthly Zoning Report, which is a part of the minutes online, provide a list of enforcements notices; Mr. Kowski is welcome to look through the list of burning, trash, junkyard, and dilapidated building violations and explain which he feels are “nit-picking.”

Rich Kowski then went on to complain of a zoning violation; he stated that someone burned the trash he reported at the last meeting located on Route 402 and now the site is a dump for debris. Mike Dwyer reported that the debris was, in fact, cleaned up.

Mr. Kowski brought to the attention of the supervisors that there is a spelling error in the MST Historical Commission sample calendar made available at the Memory Makers luncheon. Ms. Atkinson stated that it was a sample; she will look for it and speak with the staff in order to correct the spelling error. Mr. Kowski asked why the township doesn't have a problem putting religious holidays into the Historical calendar but cannot pay for a church banner. Annette Atkinson explained to Rich Kowski the difference between donating \$750 to a charity as the second class code allows, and how putting dates on a calendar is not the same as making a charitable donation, especially since it doesn't cost anything.

James Moriei stated that he has a noise problem with dirt bikes running up and down the roads in his neighborhood within Wilderness Acres. He has contacted the PA State Police and they will not help him. Annette Atkinson offered some suggestions such as contacting his home owners association and requesting that they enforce their bylaws and documenting the incidents, as well as contacting the zoning office as there is a noise ordinance in place.

Mr. Moriei asked about motor vehicles, dirt bikes, unlicensed vehicles. Attorney Gaul stated that matters are typically covered by the state motor vehicles code, and not local ordinances. Mitchell Marcus stated that the PA State Constables could also patrol the area but they have to be paid to do so. Annette Atkinson and Mitchell Marcus stated they can all speak after the meeting in order to exchange telephone numbers and email addresses.

Annette Atkinson thanked Michele Clewell and Steven Natiello and the township staff for helping with the veteran's fundraising event on Tuesday night at the Whispering Pines. They accomplished a lot with just 3 days' notice.

Adjournment

Annette Atkinson made a motion to adjourn the meeting at 7:58 p.m. Mitchell Marcus seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell
Township Secretary
August 27, 2015

General fund payables

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Credit</u>
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13157	Mary Shafer	Guest speaker Memory Makers event	200.00
13158	Shawnee Inn & Golf Resort	memory makers 8/22	4,466.30
Trf	Middle Smithfield Township	Payroll Funds Transfer	47,774.42
13159	Advance Auto Parts	1872124821	248.83
13160	AFLAC	insurance	420.20
13161	Allstate Septic Systems, LLP	inv 257768 community garden	130.00
13162	American United Life Insurance Company	policy G 0061299-0000-000 life insurance	1,249.65
13163	Barton Towing & Repair	inv 935 / 937 inspections	102.00
13164	Baudville	inv 2910807 key holders	408.31
13165	Bergey's, Inc	inv ph503478r slack adjuster/balanced drum	1,009.20
13166	Chantel Wilder.	reimburse for Memory makers photos	161.58
13167	Claude S. Cyphers, Inc	inv 636950 jack & lights	709.51
13168	CNH Capital	5043935501409770 parts	530.00
13169	Cove Haven Entertainment Resorts	deposit for holiday party 12/4	200.00
13170	Cramer's Home Center	inv 1250827 bldg supplies	253.65
13171	DES-CPR, Inc	inv 53644 shredding	144.00
13172	Donna G. Kenderdine, RPR	inv 154-15 Romec appearance fee	70.00
13173	East Stroudsburg University	2015 Economic Outlook Summit	280.00
13174	Eastern Alarm Systems	inv 08444 alarm system contract	114.00
13175	FedEx	inv 513071943	25.02
13176	John Ferro	milage reimbursement LEPA training	18.15
13177	King, Spry, Herman, Freund & Paul LLC	legal fees 102356-102370	6,541.50
13178	Lawson Products, Inc.	inv 9303484853 / 854 parts	294.35
13179	Leon Clapper, Inc.	inv 20776 service call	70.00
13180	Mailfinance	inv n5474916 postage machine lease	463.38
13181	Met Ed	100114051681 bark park	33.11
13182	Minuteman Press of Stroudsburg	inv 9851 banners for Memory Makers	540.60
13183	Pennsylvania American Water	102422008909318 bark park	23.39
13184	Penteledata	inv b2526033 email boxes	171.77
13185	SFM Consulting LLC	inv 51 zoning officer 8/10-8/21	2,665.00
13186	Smithfield Township	1/2 Mt Nebo Park insurance	1,512.75
13187	Staples Advantage	invs 8035549407/5678799/5722774 office supplies	352.52
13188	Tulpehocken Spring Water	invs 2088958 / 2056220 water	49.20
13189	Valuation Engineers, Inc	inv 7101 annual revaluation service	810.00
13190	Verizon	570223050340643y	286.03
13191	Waste Management	inv 299469402034 dumpsters	478.55
13192	Weitzmann, Weitzmann & Huffman, LLC	inv 21475 planning commission	315.00
13193	Wounded Warrior Project	In honor of Neil Davis	2,000.00
13194	Met Ed	100073577916 Sellersville	36.78
13195	RICOH USA, Inc	inv 95243973 copier	2,009.11
13196	Met Ed	100059550028 Echo Lake	30.08
13197	Met Ed	100016951467 bldg A	1,271.75
13198	Met Ed	100036091245 Bldg B	664.03

13199	Met Ed	100069220836 River Rd	18.03
13200	Met Ed	100016915751 Municipal Dr	22.44
13201	Blue Ridge Communications TV-13	basic power	15.90
13202	Caterpillar Financial Services Corp	001708165-000-001 skid steer	23,010.34
13203	GreatAmerican Leasing Corp	inv copier lease	304.50
13204	Stroudsburg Area School District	donation in Memory of David Charles Deihl	<u>100.00</u>
			101,604.93

Sewer fund payables

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
11177	Blooming Glen Contractors	PS#2 Capital Improvement	26,265.00
11178	COYNE CHEMICAL	222845	-2,820.00
11179	KING SPRY HERMAN FREUND & FAUL		-570.00
11180	MET-ED	100044863148 - WL PS/ Island View	-23.37
11181	NEUTRON INDUSTRIES	97409865	-4,179.53
11182	PENNSYLVANIA AMERICAN WATER	1024-210033589546 - Milford	-55.98
11183	PROTHONOTARY	Lien Sats	-21.00
11184	STRAND		-6,141.60
11185	VERIZON	570588028984296Y - PS#4 Maple Ln	-35.40
11186	MET-ED	100016914275 - PS#5/ RT 209 Municipal	-337.86
11187	PENNSYLVANIA AMERICAN WATER	1024-210031497597 - Sellersville	-15.37
11188	PROTHONOTARY	Sept Liens	-705.00
11189	VERIZON	570588074284385Y - PS#3 McCole & 209	-34.47
11190	MET-ED	100018446334 - PS#3 McCole & 209	-150.76
11191	PROTHONOTARY	Sept Liens	-352.50
11192	VERIZON	570588075284434Y - PS#7 McCole & NP	-34.47
11193	ALLSTATE SEPTIC SYSTEMS, LLP		-2,047.50
11194	MET-ED	100018440378 - PS#4 Maple Ln	-483.57
11195	VERIZON	570223102484027Y - Tree Tops	-36.38
11196	MET-ED	100016867432 - PS#1 LOTP	-142.54
11197	VERIZON	570223102584198Y - PS#5 Rt 209 & Municipal	-37.65
11198	MET-ED	100018442556 - PS#7 McCole & NP	-105.39
11199	VERIZON	570588113413383Y - PS #1 LOTP	-34.72
11200	MET-ED	100083606630 - Oak Grove	-82.08
11201	VERIZON	570588658114420Y - WL Clubhouse Dr	-32.93
11202	MET-ED	100018448652 - Main STP	-5,609.35
11203	VERIZON	570223818989863Y - Oak Grove	-37.75
11204	MET-ED	100089058661 Rt 209	-16.64
11205	MET-ED	100016629691 PS#2 Sleepy Hollow Fairway	-165.05
11206	MET-ED	100080913799 Off Sleepy Hollow	-226.27
11207	MET-ED	100044877809 WL Clubhouse Dr	-33.31
11208	MET-ED	100080916826 - Fairway Villas	-126.21

11209	MET-ED	100080920901 - Tree Tops	-101.39
11210	MET-ED	100018353951 - PS #6 Sellersville	-344.68
11211	VERIZON	570588113513455Y Fairway Villas	-36.65
11212	VERIZON	570588764629956Y - Main STP	-75.54
			-
			<u>51,517.91</u>

Golf fund payables

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
3461	Banko Beverage	beer	(190.38)
3462	LT Verrastro Beverage	beer	(485.00)
wt	PA Dept of Revenue	July Sales tax	(1,606.47)
3463	Allan Rotto Consultants, Inc	inv 32 vz tax	(42.00)
3464	Erin Groome	air fresheners for clubhouse	(11.78)
3465	Fisher & Son Co., Inc.	inv 151835-in greens maint supplies	(1,930.58)
3466	Genesis Turfgrass Inc.	inv 50108	(532.32)
3467	Golf Car Specialties, LLC	inv 080292/705/715/887/742/736 parts	(1,061.78)
3468	King Spry Herman Freund & Faul	inv 102359 cart bid	(360.00)
3469	Macmillan Oil Co. Allentown, Inc.	inv 92112 oil	(420.00)
3470	Met-Ed	100081783498Tomx rd	(16.53)
3471	PA American Water	1024210032658777 big ridge dr	(15.14)
3472	PA Liquor Control Board	lid 63287 lic renewal	(960.00)
3473	Superior Plus Energy Services		(999.32)
3474	Verizon	570223814063192y	(50.95)
3475	Waste Management	299469502031 clubhouse	(57.09)
3476	Wilson Sporting Goods	inv 4518408513 balls	(172.20)
3477	Met-Ed	100081748863 maint bldg	(124.62)
3478	PA American Water	1024210033261169 big ridge dr	(15.14)
3479	Verizon	570223737828754y	(210.52)
3480	Waste Management	29969602039 maint bldg	(86.04)
3481	Met-Ed	100085171773 gaurd shack	(111.59)
3482	PA American Water	1024210033261244 clubhouse	(159.34)
3483	Met-Ed	100081784231 big ridge drive	(52.93)
3484	Met-Ed	100081748848 clubhouse	(1,716.27)
3485	Met-Ed	100104048101 doral crt	(16.53)
3486	Met-Ed	100081748855 pump house tomx rd	(312.66)
3487	Golf Car Specialties, LLC	cart lease	(16,156.00)
			<u>(27,873.18)</u>

Liquid fuels payables

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
2039	Eureka Stone Quarry, Inc	inv 110515 road materials	-5,940.87

2040	Hanson Aggregates Inc	road materials inv 2777096/2778228/9328/3522/6823/7907	-
			<u>52,974.31</u>
			-
			58,915.18