

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Tuesday, September 4, 2012 at 7:00 p.m. at the Schoonover Municipal Building with Mitchell K. Marcus presiding.

Members present: Mitchell K. Marcus, Annette Atkinson and Michael J. Dwyer. Also in attendance, Township Solicitor Michael Gaul, Esq., Township Engineer Fred Courtright, P.E., Township Secretary Michele Clewell, Stenographer Tammy Panko Shaw and numerous residents.

Committee Reports

Eastern Monroe Regional Park Commission – John Ferro reported that the EMRPC did not meet in August as no quorum was present. Mr. Ferro requested that the EMRPC meeting dates be listed in the Township newsletter and on the website, whereby Annette Atkinson and Michele Clewell stated that they would make sure the meeting information is posted.

Middle Smithfield Township Parks – Annette Atkinson reported on behalf of the Parks and Recreation Chairman as she could not attend the meeting. The Color Ceremony for the Eagle Scout project flag pole dedication was held on August 25, 2012. A plaque was presented on behalf of the Township by Supervisors Michael Dwyer and Annette Atkinson. Mrs. Atkinson stated that a permanent bronze plaque will be installed in the coming weeks.

Annette Atkinson announced that Lehman Township will be meeting with Middle Smithfield Township Park members to begin work on the Halloween Trail.

Economic Development Committee – Debbie Kulick reported that a job fair is planned for October 3, 2012 at the Whispering Pines Clubhouse located in Country Club of the Poconos. Future events include seminars, expos and networking events.

Golf Committee – Ray White reported that non member rounds fell short of the forecast due (almost) entirely to aeration of the course on August 22 & 23. Total rounds surpassed 2011 by 37.8%. The Board of Supervisors authorized a local running club (PARC; Pocono Area Running Club) to use the course from dawn to the start of play (usually 8:00am) and from 7:00 p.m. to dusk. The March of Dimes, Golf for Babies is scheduled for September 14, 2012.

Historical Commission – Steven Kulick thanked Supervisors Atkinson and Dwyer for attending the Historical Commission meetings, and reported that they are reviewing 501c3 status as a not-for-profit group. Fund raising ideas were discussed as well as hosting a contest to create a logo for the MST Historical Society. Mr. Kulick also reported that they are working on the Memory Makers event and will be interviewing some of the attendees in order to preserve Township history.

Workers Compensation Safety Committee – Mitchell Marcus reported that the compact first aid kits were received and they will be placed in the Township vehicles. The kitchen rubber mats

and anti-skid treads for the CCP maintenance building indoor steps were also received and will be installed.

Public Hearing(s)

A stenographic record was taken by Tammy Panko Shaw.

Ordinance No. 188 Removal of the Traditional Neighborhood Development from Chapter 200; Zoning – Mitchell Marcus made a motion to open the public hearing at 7:30 p.m. Michael Dwyer second the motion. Motion passed 3-0.

Attorney Gaul stated that the proposed ordinance deletes the Traditional Neighborhood Development option in the Township. Attorney Gaul presented (10) Exhibits for the record.

The floor was open to public comment on proposed Ordinance No. 188: Bob Pohlman agreed with the proposal and stated that there are comments from the county. Annette Atkinson stated that the Zoning Ordinance is being revised piecemeal. Mitchell Marcus stated that to do the entire Zoning Ordinance will take time.

Larry Dymond asked if in the new Zoning will there be housing the elderly and young couples can afford. Annette Atkinson stated that will be reviewed and addressed once the entire Zoning Ordinance is reviewed.

Mitchell Marcus made a motion to come out of the public hearing at 7:47 p.m. Annette Atkinson second the motion. Motion passed 3-0.

Michael Dwyer made a motion to adopt Ordinance No. 188. Annette Atkinson seconded the motion. Motion passed 3-0.

Ordinance No. 190 – Creation of Parks and Recreation Board – Mitchell Marcus made a motion to open the public hearing at 7:48 p.m. for Ordinance No. 190. Annette Atkinson seconded the motion. Motion passed 3-0.

Attorney Gaul stated that proposed Ordinance No. 190 is to create a Parks and Recreation Board and Rules and Regulations.

Attorney Gaul presented the Exhibits and stated that the version before the Board of Supervisors is revised to state the Board of Supervisors will appoint the Chairman, instead of the Park and Recreation Board doing it.

The floor was open to public comment on Proposed Ordinance No. 190: John Ferro asked if the Parks and Recreation have a budget. Attorney Gaul stated that they do not have a budget, they are an advisory board and decisions are made by the Board of Supervisors. They receive line items in the township budget.

Colin Love asked if there is a set of qualifications required in order to serve on the board. Mitchell Marcus stated that qualifications are not required to volunteer on the Park and Recreation Board and that resumes are welcome.

Gary Summers stated that the Township has a functioning committee and asked why a Board is necessary. Annette Atkinson stated that now they are under an Ordinance that defines number of members, their terms, and rules of operation.

Mitchell Marcus made a motion to come out of the public hearing at 8:00 p.m. Annette Atkinson second the motion. Motion passed 3-0.

Mitchell Marcus made a motion to adopt Ordinance as revised. Annette Atkinson seconded the motion. Motion passed 3-0.

Correspondence

Pennsylvania State Police, Community Awareness Bulletin – A notice was received that a utility scam is sweeping the nation and the public is advised to not provide personal information through telephone calls, mail, flyers email or text messaging.

National Park Service, Roadwork of U.S. Route 209 and Bushkill alls Road – A letter was received explained that the Park Service has contracted with Lane Construction Company to perform roadway improvement to the intersection.

The 2012 Ironman Event was briefly discussed.

Treasurers Report

Michael Dwyer stated that through September the Township is in good financial health. The 2012 TRAN has been paid down with only \$50,000.00 remaining to be paid. The staff is staying within budget. It is expected that the sewer general obligation will close September 18, 2012. Although not much progress on the recycling grant, we are moving forward and have scheduled a meeting this Friday regarding the leaf recycling.

Michael Dwyer made a motion to use \$1,000,000.00 in proceeds from the 2012 General Obligation Bond to make the final payment for the 2010 sewer capacity purchase. Mitchell Marcus seconded the motion.

The floor was open to public comment: Richard Kawski asked why portions of what is owed in taxes can't be taken off the amount due the Township. Michael Dwyer stated that the one-million dollars is for sewer capacity only.

Al Decker asked if anyone is inspection the grease traps. Michael Dwyer stated that falls under the Sewage Enforcement Office and he will speak with Mr. Manter.

Richard Kawski asked what the GOB rate is. Annette Atkinson stated that the rate is 3.15%.

The motion passed 3-0 to use \$1,000,000.00 in proceeds from the 2012 General Obligation Bond to make the final payment for the 2010 sewer capacity purchase.

Approval of Payables

Michael Dwyer made a motion to pay the general fund payables in the amount of \$162,338.46. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to pay the golf fund payables in the amount of \$10,428.35. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to pay the sewer fund payables in the amount of \$49,911.50. Annette Atkinson seconded the motion. Motion passed 3-0.

Solicitors Report

Attorney Gaul stated that he does not have a report for tonight, however, an executive session was held prior to the meeting to advise the Supervisors on legal advice on pending legal matters.

Engineers Report

Sellersville Junction Development, L.P., Request Letter of Credit Reduction – Fred Courtright stated that a letter was received from the developer of the Wawa requesting that \$146,514.50 be released. After review of the request and a site inspection, Mr. Courtright stated that only the required improvements as listed in the SALDO are required to be covered by the Financial Security. The building is not included, there recommends a release of \$131,603.73 be released as the Contingency and As-Built Survey as requested should not be included.

Mitchell Marcus made a motion to release \$131,603.73. Michael Dwyer seconded the motion.

The floor was open for public comment: Bob Pohlman asked about the drainage basin and fence that were part of the conditions. Mr. Courtright stated that he will contact the developer and on site contractor to let them know this must be done as soon as possible. Michael Dwyer stated they could place a temporary fence up for the time being.

The motion passed 3-0 to release \$131,603.73 of the Letter of Credit for the Sellersville Junction Development L.P.

Gilmore & Associates, Inc., Professional Service Proposal; Tom X Road/S.R. 1009: Village Drive HOP and Traffic Study – Fred Courtright reported that the Supervisors requested that an RFP (Request for Proposal) for the Tom X HOP be prepared. In early 2012 a meeting with PennDOT representatives met at the Township building onsite to detail exactly what was needed. The RFP was prepared after the meeting. The costs are broken down and it's not to exceed \$34,000.00.

Michael Dwyer made a motion to table action on the RFP for further discussions until September 14, 2012.

The floor was open to public comment: Judy Summers was concerned about the working relationship with PennDOT and the Township. Michael Dwyer stated that this Board did meet with them and the relationship has been mended and PennDOT has expressed appreciation in the Township being pro active about the entrance/exit at Tom X Road.

Larry Dymond stated that the Township was obligated to upgrade the roads to handle the traffic and the developers chose to do the bridge, therefore only one entrance. Mr. Dymond stated that he does not have a problem with it being for emergency access, someone needs to upgrade the roads.

Richard Kawski asked if Rep. Rosemary Brown's office was contacted. Michael Dwyer stated that there was no reason to contact Rep. Brown as the Board of Supervisors are moving forward and there are no problems with PennDOT.

A question was asked (unknown) if there has been any progress with the odor at the pump stations. Fred Courtright stated that Prosser Laboratories is employing other odor controls to help with the odor. Mr. Courtright stated that he will contact the operator and let him know about the pump station odors. He also asked that if anyone smells a bad odor from the pump stations to please contact the Township.

Bob Pohlman asked if there are any sewer issues with regard to the Hillside Inn. Attorney Gaul stated that if they get to a certain capacity under the conditions of the conditional use hearing, they would have to do alternate planning with regard to sewage.

New Business

Newly Hired Personnel – Annette Atkinson made a motion to hire Joan Woision for the part-time receptionist position. Michael Dwyer seconded the motion. Motion passed 3-0.

2013 Minimum Municipal Obligation (MMO) for the Middle Smithfield Township Pension Plan – Michele Clewell informed the Board of Supervisors that the plan's expected financial obligation for 2013 is \$47,390.00. Mitchell Marcus made a motion to accept the 2013 MMO worksheet for our non-uniformed pension plan as presented. Michael Dwyer seconded the motion. Motion passed 3-0.

Intent to Advertise RFP for CPA for the 2012 Audit – Mitchell Marcus made a motion to advertise a Request for Proposals for a CPA firm to replace the elected auditors to conduct the 2012 Audit.

The floor was open to public comment: Bob Pohlman asked if the 2011 audit was completed. Attorney Gaul stated that it was completed on July 7, 2012.

The motion to authorize the Secretary to advertise the RFP for a CPA firm to do the 2012 audit was passed 3-0.

New Meeting Dates for the Board of Supervisors – Michael Dwyer made a motion listing the following 2012 meeting dates: Tuesday, September 4, 2012 7pm, Friday, September 14, 2012 8am, Tuesday, October 2, 2012 7pm, Wednesday, October 17, 2012 7pm, Wednesday, November 7, 2012 7pm, Tuesday, November 20, 2012 7pm, Tuesday, December 4, 2012 7pm and Thursday, December 27, 2012 7 pm. Annette Atkinson seconded the motion. Motion passed 3-0.

Authorize Township Engineer to Inspect Pocono Highland Lake Dam – John Ferro, Emergency Management Coordinator stated that he has reviewed all (8) site plans of the dams located within the Township. Mr. Ferro stated that the bank owns the property now and he is questioning who is responsible to monitor this dam. He stated that he has spoken with Guy Miller, who has confirmed that the property owner is responsible to monitor their dams.

John Ferro asked that the Township Engineer inspect the dam and if costs are associated then bill the owner. Michael Dwyer asked if the bypass construction directed any water into Pocono Highland dam. Fred Courtright stated no.

Michael Dwyer stated that the Township should send a letter to the bank and ask them to tell us what they intend to do about the dam.

Attorney Gaul stated that the Township cannot send the Township Engineer onto personal property without the owner's permission.

Attorney Gaul stated that he will write a letter in accordance with the law. The owner should update the plan and they have to monitor the dam. Attorney Gaul stated that he and Mr. Courtright will go over the documents and get a letter to the owner. Attorney Gaul stated that he will copy John Ferro and Monroe County on the letter.

Public Comment

John Davis questioned the surface used on Sellersville Drive. Michael Dwyer stated that the chip seal (tar and chip) surfaces used are to help with traction.

Oscar Woerlein asked about the Water Gap Persevere property. Attorney Gaul stated that bank wants to sell the property to a conservancy group and currently are working with the Township to extinguish all the approvals associated with the development. Fred Courtright stated that there is a dry sewer line that runs through it and he will discuss with the Township Attorney's about this.

Mitchell Marcus made a motion to adjourn the meeting at 9:08 p.m. Annette Atkinson seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell,
Township Secretary
September 4, 2012

BOS 09-04-2012 - Golf Course

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Credit</u>
Bill Pmt - Check	08/31/2012		Allstate Septic Systems, LLP	inv 214751 porta potties 3	285.00
Bill Pmt - Check	08/31/2012		Fisher & Son Co., Inc.	inv 113086-IN herbicide	566.79
Bill Pmt - Check	08/31/2012		Genesis Turfgrass Inc.	inv 22012 Uflexx sprayable	687.90
Bill Pmt - Check	08/31/2012		Golf Cars, Inc.	inv 57460 parts	91.36
Bill Pmt - Check	08/31/2012		Grass Roots Turf Products	green maintenance inv 57878/57834	752.50
Bill Pmt - Check	08/31/2012		Keystone's Premier Golf Association	handicap fees	45.00
Bill Pmt - Check	08/31/2012		Lou Rabenold	refund for double credit card charge	55.00
Bill Pmt - Check	08/31/2012		Miggy's Corp 5	food purchases	172.00
Bill Pmt - Check	08/31/2012		PA American Water	a/c 2420746287 big ridge	149.18
Bill Pmt - Check	08/31/2012		Pocono Lake Supply	inv 6545 parts	97.50
Bill Pmt - Check	08/31/2012		R&D Safe & Lock Works	inv 5592 safe master pin , keys	486.25
Bill Pmt - Check	08/31/2012		R&R Products	various parts	462.19
Bill Pmt - Check	08/31/2012		Rubber Cal	inv 00160473 safety mats	821.42
Bill Pmt - Check	08/31/2012		Sun Litho-Print, Inc.	inv 32940 marker labels	35.00
Bill Pmt - Check	08/31/2012		Superior Plus Energy Services	789407/408/409 gasoline	2,988.93
Bill Pmt - Check	08/31/2012		Turf Equipment & Supply Co.	inv 808721-00 bearings balance	100.00
Bill Pmt - Check	08/31/2012		Waste Management	inv 266264808210 clubhouse dumpster	94.54
Bill Pmt - Check	08/31/2012		PA American Water	a/c 2420746279 big ridge drive	14.07
Bill Pmt - Check	08/31/2012		Waste Management	inv 266264908218 maint bldg	103.68

trf	08/21/2012		Pa Sales Tax	July sales tax pd	1,155.41
Check	09/01/2012	wt	JDC Golf and Turf		<u>1,264.63</u>
Total 100.000 · Wayne Bank - Golf Course					<u>10,428.35</u>

BOS 09-04-2012 General Fund - Wayne Bank

Type	Date	Num	Name	Memo
Bill Pmt -Check	08/20/2012	3846	Kirk, Summa & Co., LLP	2011 audit payment per agreement
Bill Pmt -Check	08/27/2012	3848	PMRS	45-027-N July employee contributions
Check	08/27/2012	Trf	Wayne Bank	partial principal payment 2012 TAN
Transfer	08/29/2012		Middle Smithfield Township	payroll Funds Transfer
Check	08/31/2012		Patricia Jensen	reimbursement for address stamp
Bill Pmt -Check	08/31/2012		ARC Struck Welding	Mack dump truck body repairs
Bill Pmt -Check	08/31/2012		Cintas Corp	inv 101824681 cleaning
Bill Pmt -Check	08/31/2012		CNH Capital	a/c 5043935501409770 roller repairs
Bill Pmt -Check	08/31/2012		DES of Monroe County	inv 15377 shred documents
Bill Pmt -Check	08/31/2012		Fastenal Company	inv pastr65500 parts
Bill Pmt -Check	08/31/2012		FedEx	inv 798420134
Bill Pmt -Check	08/31/2012		GreatAmerican Leasing Corp	inv 12605956 copier lease
Bill Pmt -Check	08/31/2012		Kemper Equipment Inc	inv sc16468 rollers and brackets
Bill Pmt -Check	08/31/2012		Mailfinance	inv N3463505 postage machine lease payment
Bill Pmt -Check	08/31/2012		Miggys Five	a/c 15 kitchen supplies
Bill Pmt -Check	08/31/2012		Monroe County Conservation District	community drive streambank restoration fee
Bill Pmt -Check	08/31/2012		Newman, Williams, Mishkin, Corveleyn	inv 83075 Hott PA
Bill Pmt -Check	08/31/2012		Ray Price Stroud Ford	inv 158939 alarm repairs ford escape
Bill Pmt -Check	08/31/2012		Reilly Associates.	inv 7 ccp phase III review
Bill Pmt -Check	08/31/2012		Spring Hill Laser Services Corp	inv 0712-367 newsletter
Bill Pmt -Check	08/31/2012		Waste Management	inv 2662647-0821-2 dumpster
Bill Pmt -Check	08/31/2012		ABC Trophies, Inc	inv 14242 Boy Scout plaque
Bill Pmt -Check	08/31/2012		AFLAC	inv 896295 Y2051 insurance
Bill Pmt -Check	08/31/2012		BIU of PA, Inc.	inv 01000120027586 permit fees
Bill Pmt -Check	08/31/2012		Debbi Manter	inv 1004 cleaning admin bldg & golf clubhouse
Bill Pmt -Check	08/31/2012		Donna G. Kenderdine, RPR	inv 183-12 hott pa conditional use
Bill Pmt -Check	08/31/2012		Grainger, Inc.	order # 14524629 safety supplies
Bill Pmt -Check	08/31/2012		MDJ-43-4-01	filing fees and costs re: Pabon
Bill Pmt -Check	08/31/2012		R.H. Hurley, LLC	8312012 consulting fee
Bill Pmt -Check	08/31/2012		Reliable Sign	inv 797 brackets and snap lock assembly a/c D04135646356 inv 7000116278 office supplies
Bill Pmt -Check	08/31/2012		Staples Contract and Commercial	
Bill Pmt -Check	08/31/2012		Verizon Wireless	inv 6774773020
Bill Pmt -Check	08/31/2012		MDJ-43-4-01	MJ-43401-CV-0000287-2012 Collier
Bill Pmt -Check	08/31/2012		MDJ-43-4-01	MJ-43401-CV0000285-2012 Bruno
Bill Pmt -Check	09/04/2012	Trf	Wayne Bank.	interest on 2012 tan
Total 104-000 · General Fund - Wayne Bank				

BOS Bill List for Approval September 4, 2012 Sewer Account

<u>Vendor</u>	<u>Amount</u>	<u>Check No.</u>	<u>Description of Charges</u>
MetEd	\$ 330.71	5756	Electric for new PS at Oak Grove
PA One Call	\$ 17.70	5757	Supplemental Emergency calls
Pen Dot	\$ 20.00	5758	Permit Extension
Verizon	\$ 342.75	5759	Communications for PS/STP
Waste Management	\$ 1,872.29	5760	Sludge Hauling STP
AT&T	\$ 91.03	5799	Communications for STP
Eureka Stone Quarry	\$ 694.14	5800	Black Top Material Parking Lot STP
Gilmore & Associates	\$ 6,234.59	5801	Engineering Services
Ken Miller Electric	\$ 410.27	5802	Electric Panel for Flow Metter - FW
Prosser Laboratories		5803	
Prosser Laboratories	\$ 31,786.00	5804	Contract P/S and STP Operations
Strand Pool Supplies	\$ 1,443.50	5805	Chemicals for PS/STP
Verizon	\$ 75.92	5806	Communications STP
Xylem Water Solutions	\$ 6,592.60	5807	Pump Repair - FW Plant

Grand Total Sewer Fund \$ 49,911.50

Checks marked "VOID" are due to their lengthy invoice total running onto the next sequential check number when printing.

Check numbers 5761 through 5798 void - printed in wrong sequence