

The re-scheduled meeting of the Middle Smithfield Township Board of Supervisors was held on Tuesday, September 10, 2013 at 7:00 p.m. at the Schoonover Municipal Building with Annette Atkinson presenting.

Members present: Annette Atkinson, Michael J. Dwyer and Mitchell K. Marcus. Also attending, Township Solicitor Michael Gaul, Esq., Keely Collins, Esq., Township Secretary Michele L. Clewell, Stenographer Donna Kenderdine and several interested residents.

Minutes

Annette Atkinson made a motion to approve the August 22, 2013 minutes. Michael Dwyer seconded the motion. Motion passed 3-0.

Report of Executive Session

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

Announcements

Annette Atkinson asked everyone to join her in congratulating Mitchell Marcus on his recent wedding.

Ms. Atkinson announced that Zach Strauss's "Come Alive in Stroudsburg" program was a success this past Saturday. The program is geared to get people outside to enjoy the recreational area or to just be outside and enjoy the area.

Ms. Atkinson announced upcoming township events: Memory Makers, September 15, 2013 at the Fernwood Resort, the Economic Development Committees' Health Care Seminar on September 18, 2013, the HOA quarterly meeting on September 21, 2013 at the Whispering Pines Clubhouse, Fall cleanup on September 27th and 28th and the Economic Development committee Social Media Seminar to be held in October.

Public Hearing – Ordinance No. 195

Donna Kenderdine took a stenographic record of the public hearing.

Annette Atkinson made a motion to open the public hearing at 7:06 p.m. Mitchell Marcus second the motion. Motion passed 3-0.

Annette Atkinson stated that the purpose of the public hearing is for the Firearms and Projectile Weapons...on Township Property Ordinance.

Attorney Gaul entered the township exhibits into the record.

Attorney Gaul stated that there are already similar prohibitions with the park rules. This proposed ordinance prohibits the discharge on any township property with some exception, including the justifiable use of force as authorized by Chapter 5 of the PA Crimes Code; authorized military or law enforcement officers acting in the line of duty; the discharge of any firearm for the sole purpose of signaling for aid or assistance while in distress or any other use of a firearm protected by the federal or PA constitutions and statutes, or regulation thereunder.

Attorney Gaul asked if anyone from the public would like to provide comment. Frank Manhart, Frank Smith, and Ms. Fiore provided testimony for the record.

Attorney Gaul stated that the proposed ordinance does not affect anyone's 2nd amendment rights.

Annette Atkinson made a motion to close the public hearing at 7:38 p.m. Mitchell Marcus seconded the motion. Motion passed 3-0.

Attorney Gaul stated that the Board of Supervisors could vote on this now or go into executive session to discuss the comments they received.

Annette Atkinson made a motion to adopt Ordinance 195. Michael Dwyer seconded the motion. Motion passed 3-0.

Committee Reports

Eastern Monroe Regional Park Commission – Annette Atkinson stated that an additional 5 acres was acquired to expand the River's Edge Park.

Economic Development Committee – Annette Atkinson summarized the report as Debbie Kulick could not attend the meeting.

Golf Advisory Board – Don Henry summarized the monthly report as Ray White could not attend the meeting.

Historical Commission – Annette Atkinson stated that Memory Makers has expanded over the last two years from a few residents to all qualifying residential being invited and this year over 600 people have been invited...

Litter & Beautification – Annette Atkinson stated that the next 1000 feet of street cleanup will be held Saturday, November 16, 2013.

Parks & Recreation – Annette Atkinson stated that Day in the Park is scheduled for Saturday, September 21, 2013 with a rain date on Sunday. Ms. Atkinson also thanked Andy Worthington of the Bushkill Group for donating (12) park benches that were placed at Echo Lake Park.

Awarding of Bid

Echo Lake Park Pavilion - Michael Dwyer stated that the bids were opened on August 22, 2013 for a 20x40 pavilion and two bids were received; the first bidder came in at \$49,000.00 and the second bidder at \$11,995.00. Michael Dwyer made a motion to accept the bid from CB Structures in the amount of \$11,995.00. Annette Atkinson seconded the bid. Motion passed 3-0.

Michael Dwyer asked that the township secretary send a Notice to Proceed on September 11, 2013 as we hope to have the pavilion completed by October 21, 2013.

Treasurers Report

Michael Dwyer reported that the township remains in good financial health. The 2012 audit was received on September 5, 2013 from Riley Associates.

Michael Dwyer made a motion to accept the 2012 audit. Annette Atkinson seconded the motion. Motion passed 3-0.

Payables – Michael Dwyer made a motion to pay the general fund payables in the amount of \$109,720.47. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to pay the sewer department payables in the amount of \$264,841.86. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to pay the golf course payables in the amount of \$13,479.35. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to refund John & Claris Lurch \$190.40 due to an assessment appeal with the Monroe County Assessment Office. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to refund Michael Sykes \$227.35 due to an assessment appeal with the Monroe County Assessment Office. Annette Atkinson seconded the motion. Motion passed 3-0.

New Business

2014 Minimum Municipal Obligation (MMO) for the Middle Smithfield Township Pension Plan- Annette Atkinson made a motion to accept and forward the PMRS. Michael Dwyer seconded the motion. Motion passed 3-0.

Resolution 09-2013-01; Eric Tesche Joinder Deed – Annette Atkinson made a motion to approve. Michael Dwyer seconded the motion. Motion passed 3-0.

Resolution 09-2013-02; Althea Dyches Joinder Deed – Annette Atkinson made a motion to approve. Michael Dwyer seconded the motion. Motion passed 3-0.

Riley and Company, Inc., Proposed Contract – Michael Dwyer made a motion to table action on the proposed contract. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion authorizing the Township Secretary to advertise the Board of Supervisors intent to appoint a CPA to replace the elected auditors to conduct the audit for the fiscal year ending 2013. Annette Atkinson seconded the motion. Motion passed 3-0.

Hiawatha Road – Michael Dwyer made a motion authorizing the Township Solicitor to advertise proposed ordinance to vacate a portion of Township Road; Hiawatha Road. Annette Atkinson seconded the motion. Motion passed 3-0.

Community Drive – Michael Dwyer stated that a request was received from PPL/PSE&G to close Community Drive October 1, 2013 – March 31, 2014, due to work that will be done on the Roseland Power Line along Community Drive. Michael Dwyer made a motion to close Community Drive for the time period as stated. Annette Atkinson seconded the motion. Motion passed 2-1.

Public Comment

Larry Shoemaker questioned who would enforce the gun law. Annette Atkinson stated that it would be the law enforcement officer(s), code enforcements officer, zoning officer or any other person authorized by resolution, such as constables, for example, when Mitchell Marcus and Michael Gaul are finished working on the constable resolution.

Larry Shoemaker also asked if the playground at Resica is closed. Ms. Atkinson explained that the school playground is closed but the township playground is open.

Michael Dwyer stated that Keystone Road will be closed on September 12, 2013 from 9:00 p.m. – 5:00 a.m. on September 13, 2013 for road work. Business owners and residents were notified of the road closure.

A question was asked as to what court would handle the Firearms Discharge Ordinance violations; Attorney Gaul replied that the County common Pleas Court and District Court, but most likely District Court before Judge Germano. Attorney Gaul stated that the township can designate who they want to enforce the ordinance.

Attorney Gaul requested that an executive session be held prior to adjournment.

Wayne Witkowski asked for an update on the recycling program. Michael Dwyer stated that a work session meeting is scheduled for September 16, 2013 at 9:00 a.m. and that a grant was revised and it will save the township and state additional money. Hope to have an Intermunicipal agreement in the coming weeks with Smithfield and Lehman Township's.

Ms. Fiore asked if the Echo Lake Park Pavilion will host additional events. Mr. Dwyer said yes. Annette Atkinson stated that additional programs for the parks are being discussed for 2014; for example adding community gardens throughout the township, rain gardens/rain barrel classes, composting classes and the like.

Annette Atkinson made a motion to go into executive session at 8:18 a.m. in order to hear legal advice from the Township Solicitor on Ordinance No. 195. Mitchell Marcus seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to reconvene the meeting at 8:35 p.m. Mitchell Marcus seconded the motion. Motion passed 3-0.

Adjournment

Annette Atkinson made a motion to adjourn the meeting at 8:36 p.m. Michael Dwyer seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell
Township Secretary
September 10, 2013

General Fund Payables

Num	Name	Memo	Amount
10957	Monroe County Recorder of Deeds	notary renewal	-35.50
10958	M.C.A.T.O.	additional ticket for annual banquet	-38.00
10959	Bon Venture Services	inv 2507033 church bulletin ad	-3,120.00
Trf	Middle Smithfield Township	Payroll Funds Transfer	-42,859.94
10960	AFLAC	insurance	-503.48
10961	Allstate Septic Systems, LLP	inv 228740 Echo/ Ressica handicap units	-260.00
10962	Amsterdam Printing	inv 3649763 employee application forms	-99.84
10963	Avaya	inv 2732726758 phone system service agreement	-117.60
10964	BIU of PA, Inc.	inv 01000120029951 zoning officer 8/5-8/30	-2,805.00
10965	Bradco Supply Co	inv 100070 temp tape white/yellow	-463.00

10966	BWP-Carquest Auto Parts	inv 8348-47322 plug	-7.44
10967	Canfields Pet & Farm	inv 123523 plants , flowers etc	-869.80
10968	Claude S. Cyphers, Inc	inv 613975 fittings	-105.48
10969	Donna G. Kenderdine, RPR	inv 177-13 Public hearing	-131.20
10970	GreatAmerican Leasing Corp	inv copier lease	-304.50
10971	Hanson Aggregates	inv 2385163/2387320 road materials	-18,839.91
10972	Highway Equipment & Supply Co.	inv d04238 seat	-190.70
10973	Ken Miller, Inc	inv 12154 a/c 13615 bulbs for stop lights & Ped. crossings	-1,370.37
10974	M.S.T.S.D.	re: Waste Mgmt Inv 27807060213 pd by Sewer Dept in error	-1,773.45
10975	Middle Smithfield Township 2012 GOB	2012 GOB General Fund portion installment	-11,491.67
10976	Miggys Five	kitchen supplies 8/23; 9/3	-44.51
10977	PMRS	450275N admin fee	-20.00
10978	Pocono Profoods	inv 508580/508624 supplies for bldg	-153.00
10979	Pocono Sew & Vac	inv 3168 filter bags	-41.75
10980	Ray Price Stroud Ford	inv 300196 parts	-313.08
10981	Regina Farms	a/c 2238920 Litter & beautification/ 100 ft of street	-627.97
10982	Staples Contract and Commercial	7000776434/446435/793273/797657	-604.27
10983	Verizon Wireless	inv 9710080203 cell phones for Lyon, Parr, Henry	-224.31
10984	Waste Management	inv 278534708211 dumpster	-442.36
10985	Allstate Septic Systems, LLP	inv 228977 Ressica	-95.00
10986	Allstate Septic Systems, LLP	inv 228983 Putek park	-95.00
10987	Middle Smithfield Township	Volunteer appreciation picnic	-2,104.19
10988	Donna G. Kenderdine, RPR	inv 185-13 John Rogers deposition	-199.05
10989	Newman, Williams, Mishkin, Corveleyn	inv 87715 Hott PA	-90.00
	Pennsylvania American Water	241989049-2 hydrants	-120.51
	Pocono Record	inv 658677 Public notices	-1,126.22
	Lehman Township	Shared insurance premiums	-18,032.37
			-
			109,720.47

Golf Course Payables

Num	Name	Memo	Amount
2535	LT Verrastro Beverage	beer	-453.47
wt	Global Pay	Aug Credit card fees	-690.28
wt	JDC Golf and Turf	mower lease	-812.49
wt	American Express Collection	July Amex fees	-75.08
wt	American Express Collection	July Amex fee	-7.95
wt	USB Equipment Finance	Toro Lease	-1,325.16
2536	Allstate Septic Systems, LLP	inv 228979 porta potties	-285.00
2537	Blue Ridge Communications	a/c 0109950-03 internet	-49.95
2538	Don Henry	reimburse for liquor purchases for bar	-177.88
2539	Fastenal Co	inv pastr7060 cable tie	-11.92

2540	Fisher & Son Co., Inc.	inv 127311-in greens maint supplies	-1,823.65
2541	Golf Car Specialties, LLC	inv SI053013 repairs	-712.63
2542	Grass Roots Turf Products	inv 65864 seed	-3,027.50
2543	Jim O'brien	reimburse for beer purchase @ Eagle Vallet Beverage	-41.20
2544	Mark Oney	reimburse for BJ'S snack purchase	-96.22
2545	Miggy's Corp 5	8/30 food for pro shop	-141.72
2546	MST 2012 G.O.B.	monthly installment for 2012 GOB 2013 payments	-863.02
2547	R&R Products	inv cd1716762 tire	-162.81
2548	Waste Management	inv 278534908217 maint bldg	-111.00
2549	Waste Management	inv 278534808219 clubhouse	-98.41
wt	Verizon	223-8099 pro shop	-1,119.13
2550	PA Dept. of Labor & Industry	inv 264138 file 59298 boiler certificates	-88.00
2551	Don Henry	reimburse for liquor, parts & supplies pd by Don	-304.88
2552	Comenity - AdWords Business Credit	5304-8900-0033-6616 google ads	<u>-1,000.00</u>
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			13,479.35