

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Tuesday, October 2, 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 Attorney Michael Gaul, Esquire, Township Engineer Fred Courtright, P.E., Court Reporter Donna Kenderdine, Township Secretary Michele Clewell, numerous residents and interested parties.

Approval of Minutes

Mitchell Marcus made a motion to approve the September 14, 2012 minutes. Michael Dwyer stated that a bill (Double M Productions) on the payables list attached to the September 14, 2012 minutes was inadvertently listed two times but was only paid once. Motion passed 3-0.

Committee Reports

Eastern Monroe Regional Park Commission – John Ferro stated that the September 2012 meeting was cancelled, therefore no report is available.

MST Parks – Joyce Fenical reported that the park signs, grants and handicap parking were discussed. The Echo Lake Park cleanup date was announced for October 13, 2012 beginning at 10:00 a.m. The Resica Park trail cleanup will be completed by the Boy Scouts. The Lehman Township Halloween Trail dates are October 19th and 20th and the following weekend, October 26th and 27th.

Economic Development Committee – Debbie Kulick reported that the committee toured EDS Innovation Center. The job fair will be held on November 14, 2012 at the CCP Whispering Pines from 9:00 a.m. – 2:00 p.m. The local businesses survey information was reviewed and the EDC and MST Planning Commission will be working together in the coming weeks to begin reviewing the Township sign ordinance.

Golf Committee – Ray White reported on the non member rounds, total rounds and revenue from the golf course operation reviewed. The March of Dimes Golf for Babies was a success and the clubhouse rental and planning for the 2013 season is underway.

Historical Society – Steven Kulick reported that new findings on the Fort Hyndshaw were reported on at their meeting by Danny Younger. Grants through DWG/electric company mitigation fund will be reviewed. The IRS 501 C3 information was given to the Supervisors to pass on to Solicitor Gaul for his review. Mr. Kulick stated that they need Items for the display cabinet, if anyone is interested in donating or lending for a period of time. The MST historical brochure was created and sent to the Monroe County Historical Commission for their input and was well received. Memory Makers, fundraising ideas and Halloween 2013 were some of the

topics discussed. Two special committees were created; calendar committee and super history event committee.

Workers Compensation Safety Committee – Mitchell Marcus stated that the September meeting was canceled and the next meeting is October 14, 2012 at 7:30 a.m.

Correspondence

Monroe County Assessment Office - A request was received to refund Henry & Gwen Schiavello the Township portion of taxes due to incorrect building formation in the amount of \$137.20. Michael Dwyer made a motion to refund \$137.20 to Henry & Gwen Schiavello. Annette Atkinson seconded the motion. Motion passed 3-0.

Suburban EMS – A letter was received from Suburban EMS thanking the Board of Supervisors for the 2nd quarter franchise payment from Blue Ridge Cable for the 2012 year.

Med-Mobile EMS – A letter was received from Med-Mobile EMS thanking the Board of Supervisors for the donation.

Joe Catalfamo asked why the letter from the Monroe County Commissioners is not listed under correspondence. Mitchell Marcus stated that it's a legal matter, and asked Mr. Catalfamo to read the letter. Mitchell Marcus stated that Mr. Catafalmo could read the letter during Public Comment portion of the agenda.

Attorney Gaul stated that as a practical matter the correspondence reported at the Board of Supervisors meetings is selected by the Township Secretary, in conversation with the Board of Supervisors. Not all correspondence received by the Township between Board of Supervisors meetings is reported at the next meeting. A lot of things are not brought up, just as a matter of practicality. The fact that a particular piece correspondence is not reported at a meeting should not be interpreted as an attempt to exclude its discussion..

Treasurer's Report

Michael Dwyer reported that the Township had made its final one-million dollar payment under the assignment of sewer capacity agreement with Big Ridge Developers. Paving at Timothy Lake Road was completed and Liquid Fuels monies will be used and the final payment for the TRAN was made.

Mr. Dwyer stated that the 2013 budget discussions are underway and is confident that we don't have to budget for prior year expenses that were not paid.

Mr. Dwyer reported that the golf course projects are within budget and the Public Works Department and all employees are budget conscience.

Requests for Proposals for a new Auditor were advertised and currently being reviewed.

A thank you letter was received from John Geschwind and Michele Sherron regarding the excellent job Cory Lyons and the Public Works Department did on Maplewood Drive due to flash floods.

Approval of Payables

Michael Dwyer made a motion to approve the General Fund payables in the amount of \$398,304.45. Mitchell Marcus seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to approve the Sewer Fund payables in the amount of \$179,843.14. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to approve the Golf Course payables in the amount of \$95,279.48. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to approve the Liquid Fuels fund payables in the amount of \$98,451.24. Mitchell Marcus seconded the motion. Motion passed 3-0.

Engineers Report

Gilmore & Associates, Inc. Professional Service Proposal; Tom X Road/S.R. 1009; Village Drive HOP and Traffic Study – Fred Courtright previously provided the proposal for the Supervisors consideration. Mr. Courtright stated that the total cost will not exceed \$34,000. He has had discussions with the Board of Supervisors and he will strive to do the work for less than what is in the proposal.

Michael Dwyer made a motion to accept the Gilmore & Associates, Inc. Professional Services Proposal. Mitchell Marcus seconded the motion. Motion passed 3-0.

Solicitors Report

Fairway Villas Phase IV Continued Suspension Confirmation – Attorney Gaul stated that this agenda item has to do with an arrangement that a prior Board of Supervisors entered into with HRP in 2007. HRP's final Land development approval for the Fairway Villas Phase IV Plan was suspended with the right of the developer to reinstate final approval rights as to certain units under certain conditions; the agreement is due to end by the end of 2012.

Attorney Gaul stated that this is covered under Pennsylvania Act 46 of 2009 and Act 82 of 2012, which extends land development approvals to July 2, 2016, and recommends approval of the Confirmation of Continued Temporary Suspension Agreement.

Mitchell Marcus made a motion to approve and sign the Confirmation of Continued Temporary Suspension of Final Approval Rights of Phase IV Fairway Villas. Annette Atkinson seconded the motion.

Larry Dymond questioned if the Township waived any of its rights by signing the document just presented by Attorney Charlie Vogt. Attorney Gaul said no. Attorney Gaul also stated that this Act does not extend to the NPDES permit and the developer will have to comply with that.

Larry Dymond asked if they are to remain timeshare units and not to be rented as yearlong rentals. Attorney Gaul stated that he does not know anything about that, this is just if they were entitled to an extension. Fred Courtright also stated that this doesn't change any prior approvals.

The motion passed 3-0 to approve and sign the Confirmation of Continued Temporary Suspension of Final Approval Rights of Phase IV Fairway Villas.

CCP Phase 3 Section 5 PRD Time Extension – Attorney Gaul stated that the developer has granted an extension to the Township to render a decision on this submittal until December 10, 2012. Mitchell Marcus made a motion to accept the extension. Michael Dwyer seconded the motion.

Larry Dymond asked if the plans are available for inspection, Attorney Gaul replied yes, but the stormwater plans are not finalized.

Motion passed 3-0 to accept the time extension to render a decision until December 10, 2012.

Pocono Highland Dam – Attorney Gaul stated that this was brought to the attention of the Board of Supervisors by John Ferro, Emergency Management Coordinator.

Attorney Gaul stated that this has been looked into and confirmed that the Township does not regulate the dams, it is done by DEP and they are following up on this.

The current owner of the property is a bank and they did have an inspection done on the dam in 2012 and it has been approved by DEP. They still have to complete the Emergency Response Plan as it has not been done since 2002. Attorney Gaul stated that he will keep monitoring the paperwork.

Removal of Planning Commission Member – Donna Kenderdine took a stenographic record.

Attorney Gaul stated the under the MPC (Municipal Planning Code) any member of a planning commission may be removed from office for malfeasance, misfeasance or a nonfeasance in office or for other just cause by a majority vote of the governing body taken after the member has received 15 days advance notice of intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

On September 14, 2012 a letter from Attorney Gaul was sent to Scott Schaller that the Board of Supervisors intended to vote on his removal at the October 2, 2012.

Attorney Gaul presented Township Exhibits No. 1 thru 4.

Attorney Gaul stated that the reason for removal would be for lack of attendance.

Mitchell Marcus made a motion to remove Scott Schaller from the Middle Smithfield Township Planning Commission based on Attorney Gaul's evidence. Annette Atkinson seconded the motion. Motion passed 3-0.

Attorney Gaul stated that he will notify Mr. Schaller on the decision of the Supervisors.

Approval of Execution of Big Ridge Developers Final Assignment of Sewer Capacity – Michael Dwyer made a motion for the Chairman to sign on behalf of the Township. Mitchell Marcus seconded the motion. Motion passed 3-0.

Resolution No. 10-2012-01; HaRa Corporation Joinder Deed – Mitchell Marcus made a motion to approve Resolution 10-2012-01. Annette Atkinson seconded the motion.

Larry Dymond asked which property is being joined. After lengthy discussion and a review of the documents, motion passed 3-0.

Hiawatha Road Vacation of Road Documents – Attorney Gaul asked that this item be tabled until some issues are resolved. Michael Dwyer made a motion to table action. Mitchell Marcus seconded the motion. Motion passed 3-0.

Resolution No. 10-2012-02 Amending Resolution 06-2009-2 Concerning the Enactment of Joinder Deed Procedures – Attorney Gaul stated that amending joinder deed procedures to require an escrow deposit in the amount of \$250.00 for legal/engineering reviews.

Mitchell Marcus made a motion to approve Resolution No. 10-2012-02. Michael Dwyer stated that the dollar amount on page two should read \$250.00 not \$500.00 Annette Atkinson seconded the motion. Motion passed 3-0.

New Business

Appointment of Parks and Recreation Board Members – Annette Atkinson made a motion to appoint the following volunteers:

1. Joyce Fenical – 5 year term
2. Bill Suriano – 4 year term
3. Joyce Bush – 3 year term
4. Jeff Reichl – 2 year term

5. Karen Conway – 1 year term

Mitchell Marcus seconded the motion. Motion passed 3-0.

Annette Atkinson stated that pursuant to Ordinance No. 190, the Board of Supervisors is to name the chairman of the Parks & Recreation Board.

Annette Atkinson made a motion appointing Joyce Fenical as Chairman of the Parks & Recreation Board. Mitchell Marcus seconded the motion. Motion passed 3-0.

Resolution No. 10-2012-03; Middle Smithfield Township Workers Compensation Safety Committee By-Laws – Mitchell Marcus made a motion to approve Resolution No. 10-2012-03. Annette Atkinson seconded the motion. Motion passed 3-0.

Resolution No. 10-2012-04; Middle Smithfield Township Workers Compensation Safety Policy, Escalation Steps – Mitchell Marcus made a motion to reaffirm the Safety Policy Escalation Steps. Annette Atkinson seconded the motion. Motion passed 3-0.

Leaf Collection – Michael Dwyer announced that the Public Work Department will begin leaf collection beginning in the Wooddale area of the Township, October 29, 2012. The projected time frames and roads are listed on the flyer and website. This will be a (3) week process, contingent on the weather.

Mr. Dwyer stated that Wayne Rohner is currently working with PA DEP for a temporary drop off location on township property on Route 209 for leaf waste while working with neighboring townships for a permanent location.

No updates to report regarding the grant application for equipment and site related costs.

Mr. Dwyer reminded everyone that the fall cleanup is this Friday and Saturday from 7:00 a.m. – 4 p.m.

Michael Dwyer also stated that leaves cannot be mixed with branches, only leaves will be picked up and they cannot be contained in any bags. Private developments are responsible for their own pickup.

Personnel; New Hires – Annette Atkinson made a motion to hire Michael Dwyer as the Public Works Director & Treasurer as approved by the Elected Auditors at \$18.00 per hour with a cap of 30 hours per week. Michael Dwyer seconded the motion.

Mitchell Marcus stated that Mr. Dwyer has the background and the experience for this position, however he has never been a proponent for Township Supervisors to have paid positions. Mitchell Marcus voted against hiring Mr. Dwyer as an employee. Motion passed 2-1.

Employee Handbook – Annette Atkinson made a motion to adopt the revised employee handbook. Michael Dwyer seconded the motion. Motion passed 3-0.

The Board of Supervisors thanked Michele Clewell, who is also the HR Coordinator, for her extensive work on re-vamping the Employee Handbook.

Public Comment

Alan Keys asked if the Township will be offering seasonal/winter rates at the golf course. Annette Atkinson stated that if you purchase a membership for the 2013 golf season now, you can golf for free for the remainder of 2012 and we will have end of season rates of \$35 00 daily fee starting Columbus Day . Mrs. Atkinson also stated that the Golf Course Committee has a couple of vacancies if Mr. Keys is interested.

Steven Kulick asked if new road maps with all the E-911 addresses are available. Michael Dwyer stated that we do have a map from the county, although it is extremely large and hard to read. He also stated that we are currently working with an outside company to create the Community Map/Directory at no cost to the Township.

Larry Dymond stated that Joe Catalfamo received a response from Monroe county commissioner John Moyer after sending him a letter regarding his property dispute. Attorney Gaul stated that there have been (3) lawsuits filed, (2) of which were against the Township, that predate anyone here and he has instructed the Board of Supervisors not to discuss the issue. Attorney Gaul stated that as a courtesy to Commissioner Moyer, we are looking at everything the Township has.

Attorney Gaul stated that on behalf of the Board of Supervisors, they have been sympathetic to Joe Catalfamo and have been very open about it.

Michael Dwyer stated that Commissioner Moyers letter was received and was given to Attorney Gaul to review, and we are not going to make any statement tonight.

Michael Dwyer stated that once Attorney Gaul reviews all the information a response will be made available in the next couple of months.

Attorney Gaul stated that he will need to meet with the Supervisors in an executive session before the end of the meeting.

Annette Atkinson made a motion to go into executive session at 8:40 p.m. regarding a tax assessment appeal. Mitchell Marcus seconded the motion. Motion passed 3-0.

Mitchell Marcus made a motion to reconvene the meeting at 8:44 p.m. Michael Dwyer seconded the motion. Motion passed 3-0.

Mitchell Marcus made a motion to adjourn the meeting at 8:45 p.m. Annette Atkinson seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell
Township Secretary
October 2, 2012

General Fund Payables 10/02/2012

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
09/14/2012	Trf	Middle Smithfield Township	payroll Funds Transfer	-42,737.36
09/17/2012	3914	AFLAC		-545.82
09/17/2012	3915	Met Ed	a/c 100036091245 bldg "B"	-590.67
09/17/2012	3916	Met Ed	a/c 100016951467 bldg "A"	-1,648.12
09/17/2012	3917	Met Ed	a/c 100016915751 Municipal signal	-19.06
09/19/2012	Trf	Wayne Bank	to pay off 2012 TAN	-50,093.43
09/19/2012	3918	M.C.A.T.O.	full page ad conventionand banquet dinner	-85.00
09/21/2012	3919	Bushkill Fire Relief Assn	2012 fire relief	-19,830.02
09/21/2012	3920	Marshalls Creek Relief An	2012 fire relief	-87,485.38
09/21/2012	3921	PNC Bank	602519534	-12,626.00
09/21/2012	3922	Shawnee Fire Relief Assn	2012 fire relief	-9,331.77
09/25/2012	wt	Deluxe for Business	quickbook checks - general fund	-314.50
09/26/2012		Bergey's, Inc	parts and repairs	-315.51
09/26/2012		BWP-Carquest Auto Parts	inv 8348-21422 parts	-24.86
09/26/2012		Cintas Corp	inv 101840433 cleaning	-74.96
09/26/2012		Don Cramer.	deposit refund	-500.00
09/26/2012		EPSCO	inv S4902425.001 solar salt	-297.68
09/26/2012		FedEx	inv 202062913	-39.08
09/26/2012		GreatAmerican Leasing Corp	inv 12725385	-304.50
09/26/2012		HR Specialist Pennsylvania	cust code DR1895 employment law reimburse for tolls to drop off and pick up sewer pump	-179.00
09/26/2012		Joe Les King, Spry, Herman, Freund & Paul LLC	invs 76396-76416	-18,251.90
09/26/2012		Miggys Five	a/c 15 klitchen supplies	-16.11
09/26/2012		Monroe County Control Center	VOID: inv 5055 public safety	0.00
09/26/2012		Newman, Williams, Mishkin, Corveleyn Professional IT Computer Solutions LLC	inv 83229 Hott PA legal fees	-30.00
09/26/2012		Reilly Associates.	CCP PHASE III SECT 5 REVIEW	-2,363.00
09/26/2012		Rileys Computer	client 32023 computer repairs 2011	-1,840.57
09/26/2012		Service Tire Truck	inv G74847-26 tires	-1,389.24
09/26/2012		Staples Contract and Commercial	7000152785/155593/171837 office supplies	-398.77
09/26/2012		Superior Plus Energy Services	inv 789484 1500 gal @3.5114 diesel	-5,271.45
09/26/2012		The Hartford -Priority Accounts	Sept & Oct 6007230-3 / 6060762-6	-2,631.20
09/26/2012		Verizon	570223892064559Y	-672.11

09/26/2012		Waste Management	inv 266646808219 container	-394.15
09/26/2012		PMRS	45-027-5N	-49,770.88
09/26/2012	Trf	Middle Smithfield Township	payroll Funds Transfer	-41,764.57
09/28/2012		Murad Khudairi	release of fire insurance escrow	-27,640.00
10/01/2012	3923	Monroe County Veterans Assoc	Silver Star Sponsor for Veterans Day Parade	-250.00
10/01/2012		Allstate Septic Systems, LLP	inv 216317 Ressica/Echo handicap units	-260.00
10/01/2012		BWP-Carquest Auto Parts		-23.87
10/01/2012		Claude S. Cyphers, Inc	inv 604381 parts	-232.09
10/01/2012		Debbi Manter	inv 1026 cleaning	-778.00
10/01/2012		Lehman Township	shared insurance premiums ambulance / fire company	-16,402.65
10/01/2012		Monroe County Conservation District	Community drive streambank rehabilitation review fee	-75.00
10/01/2012		Stotz & Fatzinger Office Supply	inv 74127 rack	-500.87
10/01/2012		Verizon Wireless	inv 6787758847 Wayne cellphone	-52.25
				-
				<u>398,304.45</u>
				-
				<u><u>398,304.45</u></u>

Golf Course Payables 10/02/2012

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Credit</u>
09/13/2012			
2	Moritz Embroidery Works		262.80
09/17/2012			
2	USB Equipment Finance	Toro Lease	1,325.16
09/18/2012			
2	PA Dept of Tax	to record sales tax paid for Aug 2012	976.27
09/24/2012			
2	Lillie Douse	return of security deposit for clubhouse rental	250.00
09/24/2012			
2	Friedman Electric	inv S013825899.002 flourescent lamps	69.99
09/27/2012			
2	Riley Computer Services	2011 computer repairs ok by MM	804.37
09/28/2012			
2	Allstate Septic Systems, LLP	inv 215953 3 potties	285.00
09/28/2012			
2	BWP-Carquest Auto Parts	parts	99.79
09/28/2012			
2	Fisher & Son Co., Inc.	greens maintenance	2,729.18
09/28/2012			
2	Genesis Turfgrass Inc.	inv 22911 fertilizer & insecticide	913.63
09/28/2012			
2	Golf Cart Services, Inc	inv 01180001 damaged cart repairs	995.36
09/28/2012			
2	Marshalls Creek Plumbing	repairs	629.00
09/28/2012			
2	PA American Water	a/c 2420746279 Big Ridge Drive	14.07
09/28/2012			
2	Pocono Produce Company	bal of inv 398986 c-fold	64.20
09/28/2012			
2	R&R Products	inv CD1609390	489.34
09/28/2012			
2	Robert Hetu	facebook labor day ads	34.89
09/28/2012			
2	Superior Plus Energy Services	gas	3,357.42
09/28/2012			
2	Tom X Pub	ck 52888 outing food	742.14
09/28/2012			
2	Turf Equipment & Supply Co.	inv 814128-00 parts	210.07

09/28/2012	Verizon	570223814063192Y	94.29
09/28/2012	Waste Management	inv 266647408217 clubhouse	90.33
09/28/2012	Wilson Sporting Goods	inv 4512024820 ultra 15-ball brick	87.00
09/28/2012	PA American Water	a/c 2420746287 Big Ridge	199.53
09/28/2012	Verizon	5702238099	303.29
09/28/2012	Waste Management	inv 266647508214 maint bldg	83.28
10/01/2012	JDC Golf and Turf	greens maintenance	1,264.63
10/01/2012	Middle Smithfield Township - General Fund	to reimburse general fund for seasonal employees payroll and payroll taxes thru 9/23	77,964.50
10/01/2012	Wilson Sporting Goods	inv 4512024819 golf balls	162.00
10/01/2012	Blue Ridge Communications	a/c 0109950-03 internet	49.95
10/01/2012	Debbie Manter	inv 1026 cleaning	700.00
10/01/2012	Robert Hetu	facebook ads	28.00
			<u>95,279.48</u>

Liquid Fuels Acct

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
09/14/2012	Eureka Stone Quarry, Inc	inv 111512/608/667 road materials	- <u>98,451.24</u>

BOS Bill List for Approval October 2, 2012 Sewer Account

<u>Vendor</u>	<u>Amount</u>	<u>Check No.</u>	<u>Description of Charges</u>
M & T Bank	\$ 30,171.88	5818	General Obligation Bond Series 2009A Interest/Princ.
M & T Bank	\$ 146,470.00	5819	General Obligation Bond Series 2009AA Interest
Met Ed	\$ 550.72	5820	Electric PS/STP
Prothonotary	\$ 58.10	5821	Lien Filing Fees
Prothonotary	\$ 58.10	5822	Lien Filing Fees
Verizon	\$ 388.58	5823	Communications STP/PS
Waste Management	\$ 1,924.20	5824	Sludge Hauling STP
Prothonotary	\$ 58.50	5825	Lien Filing Fees
Prothonotary	\$ 58.50	5826	Lien Filing Fees
Verizon	\$ 104.56	5827	Communications STP/PS

Total 179,843.14

