

The re-scheduled meeting of the Middle Smithfield Township Board of Supervisors was held on Wednesday, October 21, 2015 at 7pm 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 L. Clewell and several interested residents and one member of the press.

### **Pledge of Allegiance**

### **Approval of Minutes**

Annette Atkinson made a motion to approve the October 8, 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 tonight's meeting to go over pending legal matters with the township solicitor.

### **Announcements**

The 2<sup>nd</sup> Annual Truck or Treat went well this past weekend with over 300 children participating in the Parks and Rec. event. A special thank you to Joyce Fenical for volunteering her time to help with the event.

The 2015 Fall Cleanup / Freecycle will be held this Friday and Saturday from 7am-4pm.

The annual leaf collection along township roads begins next week.

Person of the Year nominations are now being accepted for the New Year's Eve year end event at Whispering Pines Banquet Hall.

The Echo Lake Park tree lightening is right around the corner, November 28, 2015 and additional information will be given in the coming weeks.

A reminder to everyone to get out and vote on November 3, 2015.

### **Possible Bid Award**

Northpark Estates Pump Station #7 Modifications – Mike Dwyer stated that at the last meeting four bids were received for the project. Based on the township engineers review and recommendation Mike Dwyer made a motion to award the contract to Blooming Glen Contractors in the amount of \$115,580.00. Annette Atkinson seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion authorizing the township engineer to send the Notice of Award and to Notice to Proceed to Blooming Glen contractors. Mitchell Marcus seconded the motion.

Motion passed 3-0. Mr. Dwyer stated that the modification to pump station #7 is part of the 2015 capital improvements plan.

Mr. Courtright stated that the new computer at the Route 209 sewage treatment plant was installed and the switch over occurred today with no problems.

### **Treasurer's Report**

Mike Dwyer reported that a work session was held last week with all the EMS providers in order to have an open dialog to discuss their funding. They expressed concerns that since the by-pass was constructed, their donations are down over 50%. The cable franchise fee was discussed. This agreement was originally enacted in 2006 and is set to expire next June of 2016 and we have to find a way to fund that gap if the fee is not renewed. The supervisors as well as the EMS will continue dialog and in the meantime the supervisors will be directing the township solicitor, later in the meeting, to prepare a resolution that will allow for the fire companies to charge for certain services. So that insurance companies can pay them.

Mike Dwyer stated that the township remains in good financial shape and is at or below budget with income coming in at what was budgeted.

Mike Dwyer stated that some candidates who are running for the elected auditor position met with him as Treasurer to discuss and review the 2014 audit.

Payables - Mike Dwyer made a motion to pay the general fund payables in the amount of \$69,835.41. Mitchell Marcus seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to pay the golf fund payables in the amount of \$6,727.20. Annette Atkinson seconded the motion. Motion passed 3-0.

### **Solicitors Report**

None

### **Engineers Report**

None

Mike Dwyer made a motion to go into executive session. After stating that the executive session could be after public comment, Mr. Dwyer rescinded his motion.

### **Old Business**

The consensus of the Board was that discussion on Toll Brothers' Bond Release Requests would occur later in the meetings

### **New Business**

Riley & Company, Inc. – Contract for Auditing Services for the Years Ending 2015, 2016 and 2017– Mike Dwyer made a motion to approve a three (3) year contract for Riley & Company,

Inc., to conduct the Township audit for the 2015, 2016, and 2017, calendar years, subject to advertising of the Board's intent to appoint a certified or competent public accountant or firm of certified or competent public accountants to replace the elected auditors, and the Board's adoption of a resolution authorizing the replacement of the elected auditors. Annette Atkinson seconded the motion. Motion passed 3-0.

Authorize Township Secretary to Advertise for a CPA to Perform the Annual Audit in Place of the Elected Auditors for the Year Ending 2015 – Mike Dwyer made a motion authorizing the township secretary to advertise notice of the Board's intent to appoint a certified or competent public accountant or firm of certified or competent public accountants to replace the elected auditors for purposes of the Township's 2015 calendar year audit. Mitchell Marcus seconded the motion. Motion passed 3-0.

Mark Oney asked for explanation of the last two items that the supervisors approved. Attorney Gaul stated the advertising is to alert the residents that the Board intends to replace the elected auditors with a CPA, and is not for the purpose of requesting proposals from CPA's perform the audit. The use of elected auditors to audit the Township's accountant at one time may have been feasible when the township was smaller. Now, however, due to the size of the Township's budget, and Township's the bond issues and other debt, the use of a CPA to audit the Township's accounts would be a more common practice. The elected auditors will determine the compensation of the working supervisors.

Authorize Township Solicitor to Prepare a Resolution Adopting a Policy & Procedure for Authorizing Marshalls Creek, Bushkill and Shawnee Fire Companies to Charge and Recoup the costs of Fire and Rescue Services – Mike Dwyer made a motion directing the township solicitor to prepare a resolution. Annette Atkinson seconded the motion.

Regina Ireland-Auer inquired as to what fees the fire companies could charge. Mike Dwyer stated the resolution will itemize the equipment or service the fire company can charge for, the amount, and who can be charged. The intent is to charge the resident's insurance company and not the resident directly. A Township resolution will assist the fire company in making a claim against the insurance company. Mitchell Marcus stated it's not uncommon for townships to do this as the charge is covered by standard insurance polices.

Motion passed 3-0.

Appoint Jaime Frailey to the Parks and Recreation Board with a Term Ending December 31, 2016 – Mike Dwyer made a motion to appoint Jaime Frailey to the parks and recreation board based on the parks and rec recommendation, with a Term Ending December 31, 2016. Annette Atkinson seconded the motion. Motion passed 3-0.

Newly Hired Personnel: Replacement for vacated position of Community and Municipal Projects Coordinator – Annette Atkinson made a motion to hire Holly Freese to replace Chantel Wilder who is now the receptionist. Mike Dwyer seconded the motion. Motion passed 3-0.

Authorize Zoning Office to file legal actions for Zoning and Building Code violations against 209 Plaza Associates, owner of record, for a new business fit-out that occurred on their property located at 5019 Milford Rd., PIN 09732304835376 – Annette Atkinson made a motion to authorize the Zoning Office to file legal actions for Zoning and Building Code violations against 209 Plaza Associates, owner of record, for a new business fit-out that occurred on their property located at 5019 Milford Rd., PIN 09732304835376. Mitchell Marcus seconded the Motion. Motion passed 3-0.

### **Public Comment**

Mark Oney stated that he attended a commuter rail meeting last week and there were well over 200 in attendance. The Panama Canal is planned to be expanded and, as a result, the east side of country is expected to see an increase in trade traffic. The trade increase is expected to result in additional need for rail service. They are saying in the year 2040 there should be rail service. No promises were made at the meeting, just discussion.

Regina Ireland-Auer stated that she had an opportunity to review the 2014 audit with Mr. Dwyer. The audit shows the township is in the best financial shape. Attorney Gaul stated that another way industry gauges financial health is in the municipality's bond rating. Middle Smithfield Township's bond rating has risen from where it was in previous years. Another way to determine the health is in the stability and reliability day to day operations/leadership of the municipality.

Bob Ciavatta asked if the executive session would be about Toll Brothers. Mike Dwyer stated yes.

Annette Atkinson made a motion to go into executive session at 7:40 pm to hear legal advice from the township solicitor on the Toll Brothers agenda item. Mitchell Marcus seconded the motion. Motion passed 3-0.

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

Mike Dwyer made a motion to approve the following Toll Brothers' bond release requests, subject to the payment of any professional fees owed the township. Annette Atkinson seconded the motion. Motion passed 3-0.

CCP PH. 3 Sec. 4 & 8 – \$ 138,239.78  
Pond Creek PH. 1 – \$156,642.00  
Pond Creek PH. 2 & 3 – \$88,110.00  
CCP Commons PH. 2 Sect. 6 - \$26,959.35

Bob Ciavatta asked if this is the total funds. Mike stated the financial guarantees that the Township receives in connection with development are allocated to specific improvements in

the developer's approved plan. The release just approved by the Board relates to guarantees allocated to the project's paving improvements. The Board determined that the paving improvements, after the completion of repairs required by the Township engineer, are sufficient, and that the release of bond amounts allocated to those improvements should be approved.

### Adjournment

Annette Atkinson made a motion to adjourn the meeting at 8:02 pm. Mitchell Marcus seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell  
Township Secretary  
October 21, 2015

### General Fund

Num	Name	Memo	Credit
13332	Roba Family Farms	pumpkins for Trunk or Treat	195.00
13333	447 Cornerstone Products, Inc	inv 238 mason sand	97.75
13334	Amani Hanna	09/98187 tax assessment reduction refund	198.46
13335	Bergey's, Inc	invs ph5059424r / 509136r	3,930.47
13336	Boucher & James, Inc	inv 75127 gateway project	3,021.82
13337	Bradco Supply Co	inv 132510 signs Charley Dr	286.80
13338	Claude S. Cyphers, Inc	invs 638831/893/892/960 parts	218.95
13339	CNH Capital	5043935501409770 bolts	15.00
13340	Cramer's Home Center	inv 1277385 drylok fast plug	121.78
13341	Cramer's Welding & Repairs	inv 432631 cut steel for rolloff	15.00
13342	Donna G. Kenderdine, RPR	inv 192-15 Petrizzo public hearing	435.85
13343	Fisher & Phillips LLP	inv 953759 Squires	72.00
13344	Gilmore & Associates, Inc.	engineering fees invs 147022-026	4,087.87
13345	James & Helen Pendleton	09/96842/68A tax assessment reduction refund	40.20
13346	Jose & Elizabeth Canales	09/6B/2/47 tax assessment reduction refund	64.88
13347	King, Spry, Herman, Freund & Paul LLC	legal fees	13,744.83
13348	Leroy Lewis	contracted maintenance- dog park	200.00
13349	Marc Rodgers	9/87058/U3 tax assessment reduction refund	40.28
13350	Oscar Hopkins Sr.	09/9B/1/15-7 tax assessment recution refund	73.66
13351	PA Municipal Health Insurance Cooperative	052801 health insurance	35,837.32
13352	Pennsylvania American Water	1024220008909318 bark park water	36.30
13353	Pennsylvania State University	2015 statistical fact book cd-rom	75.00
13354	Penteledata	inv b2568868 email	171.77
13355	Pocono 4 Wheel Drive	inv 212359 drive shaft repairs	230.00
13356	Richard & Linda Nubile	9/85965 tax assessment reduction refund	340.70

13357	RICOH USA, Inc	95604881 copier	260.00
13358	Sankar Sengupta	9/96938 tax assessment reduction refund	9.60
13359	SFM Consulting LLC	inv 056 zoning officer 10/5-10/16	2,307.50
13360	Sibum's Auto	inv 98797 tires	95.00
13361	Stengel Bros., Inc.	inv 362803 rear spring repairs	1,317.52
13362	Steven Natiello.	public works pc	149.95
13363	Verizon	570223050340643y	296.01
13364	Met Ed	100114051681 Bark park	42.29
13365	Met Ed	100069220836 River Rd	17.62
13366	Met Ed	1000595500028 Echo Lake	29.62
13367	Met Ed	100073577916 Sellersville	34.27
13368	Met Ed	100016915751 Municipal light	20.67
13369	Met Ed	100036091245 bldg b	567.08
13370	Met Ed	100016951467 bldg A	1,042.69
13371	Tulpehocken Spring Water	inv 2133029 water	81.90
13372	USA Trophies & Awards	name plate	12.00
			<u>69,835.41</u>

## Golf Course Fund

Num	Name	Memo	Amount
wt	Verizon	570-223-8099	(586.75)
wt	PA Dept of Revenue	Sept sale tax	(1,404.57)
3550	PA Liquor Control Board	fee	(135.00)
3551	PA Liquor Control Board	fee	(10.00)
3552	Allan Rotto Consultants, Inc	inv 34 vz tax	(42.00)
3553	Allstate Septic Systems, LLP	inv 259910 porta potties	(285.00)
3554	Hellers Gas, Inc.	inv 776858 repairs	(283.00)
3555	Kenya Coates	refund of deposit pd by credit card 9/4, event cancelled	(200.00)
3556	King Spry Herman Freund & Faul	inv 104155 cart lease	(600.00)
3557	Kistler O'Brien Fire Protection	inv 595941 fire extinguisher inspection	(115.00)
3558	PA American Water	102421003326 big ridge	(115.31)
3559	PA Dept. of Labor & Industry	inv 1026023 boiler certificates	(88.00)
3560	R&R Products	inv cd1951506/1955804 parts	(451.25)
3561	Superior Plus Energy Services	invs 697970 / 71 gas & deisel	(598.48)
3562	Verizon	570223814063192y	(50.82)
3563	PA American Water	a/c 1024-210033261244 clubhouse	(66.10)
3564	Verizon	570223737828754y	(202.26)
3565	Met-Ed	100081783498 tomx rd	(4.96)
3566	Met-Ed	100081748863 maint bldg	(116.15)
3567	Met-Ed	100085171773 gaurd shack	(106.35)
3568	Met-Ed	100081784231 big ridge drive	(106.78)
3569	Met-Ed	100104048101 pump house doral ct	(16.53)

3570 Met-Ed

100081748848 clubhouse

(1,142.89)

(6,727.20)