

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Thursday, October 23, 2014 at 7:00 p.m. at the Schoonover Municipal Building with Annette Atkinson presiding.

Members present: Annette Atkinson, Mike Dwyer and Mitchell Marcus. Township Solicitor Michael Gaul, Esq., Township Engineer Fred Courtright, P.E., Township Secretary Michele Clewell and one resident were also in attendance.

Representing the ESSA Bank & Trust were Diane Reiner and George Fetch, P.L.S. of Niclaus Engineering.

Pledge of Allegiance

Volunteer Recognition - Annette Atkinson stated that Margaret Law has served as the elected auditor for the past 26 years and thanked Ms. Law on behalf of the Board of Supervisors for her years of service to the township. Ms. Atkinson stated that the newly created Person of the Year award is for people that go above and beyond, the doers and go getters, and Ms. Law is an fine example of someone that is a doer, and others like her should be nominated for MST Person of the Year.

Mike Dwyer thanked Ms. Law for her service and appreciates what she has done and that she is a model of what volunteerism is in the township and hopes others will follow in her example.

Mitchell Marcus thanked Ms. Law and appreciates everything she has done for the township as well.

In recognition of her quarter century of service, the Board presented Ms. Law with a plaque and a check in the amount of \$500 made out to Mady’s Angels. Ms. Law thanked the Board and stated that she has seen a lot of changes in the township and those good things are here with the current Board.

Approval of Minutes

Annette Atkinson made a motion to approve the October 14, 2014 minutes. Mitchell Marcus seconded the motion. Motion passed 3-0.

Report of Executive Sessions

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

Bid Opening

Pump Station No. 2 - Mike Dwyer opened and read aloud the (5) bids received:

CONTRACTOR NAME AND ADDRESS	CONTACT NAME	PHONE NUMBER	BID SUBMITTED
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Blooming Glen Construction 901 Minsi Trail P.O. Box 391 Blooming Glen PA 18911	Vicki Garges	215-258-7535 215-258-5937	Base Bid: \$25,605 Alt. Bid: \$47,717
Derstine Company LLC 320 Cowpath Road Soudertone PA 18964	MaryAnne	215-723-0839	Base Bid: \$46,000 Alt. Bid: \$24,000
Advanced Rehabilitation 1116 County Road 17 Bryan OH 43506	Lynn	419-636-2684	Base Bid: \$35,000 Alt. Bid \$16,000
RGC Development, LP P.O. Box 86 688 Chrisphalt Drive Bath PA 18014	Jason	610-837-3900	Base Bid: \$49,440 Alt. Bid \$31,350
Pioneer Construction Co., Inc 116 West 11th St. Honesdale PA 18431	Marta	570-647-1590	Base Bid: \$47,229 Alt. Bid: \$32,925

Mike Dwyer made a motion to accept the bids for review. Mitchell Marcus seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to go into executive session at 7:20 p.m. to hear legal advice from the Solicitor. Mitchell Marcus seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to reconvene the meeting at 7:39 p.m. Mitchell Marcus seconded the motion. Motion passed 3-0. The Solicitor noted that the break in the meeting was actually a recess for the purpose of allowing the Engineer time to review the bids.. Before reconvening, however, the Board of Supervisors held a brief executive session for the purpose of allowing the Board to hear legal advice from the solicitor regarding the award of the contract.

Mr. Courtright stated that the apparent low bidder and other bidders did include the bid bonds, powers of attorney and back up paperwork.

Mr. Courtright recommended awarding the Base Bid to Blooming Glen Contraction. Annette Atkinson made a motion to award the contract to Blooming Glen Construction in the amount of \$26,605. Mitchell Marcus seconded the motion. Motion passed 3-0.

Announcements

- 1st annual Trunk or Treat will be held on Saturday at Resica Park.

- 1,000 Feet of Street is scheduled for November 15, 2014 and we can always use more volunteers to clean up Route 209 and surrounding roads. Last year over 10 miles of road were cleaned. This year, dozens of Boy Scouts will join us.
- The MST Community Map was mailed out, and a thank you to the Pocono Record for the nice article.
- The Person of the Year mailer was mailed to the residents and the Township is looking for nominations. Information is always available on the township website, as well as www.mstPersonOfTheYear.com.

Committee Reports

- a. Eastern Monroe Regional Park Commission – No one was present and no report provided.
- b. Park and Recreation - An overview of the Trunk or Treat event was reiterated and over (40) volunteers have already committed for 1,000 Feet of Street November 15, 2014.
- c. Community Gardens – Mike Dwyer stated that the clearing has been completed and material has been hauled to the site. Annette Atkinson stated that the township, volunteers, and the East Stroudsburg North High School will be on site Saturday, November 1, 2014 to help put the dirt and “Soil Amendments” in the garden boxes.

Danny Younger asked if the garden boxes will be available to plant for the winter, so he could plant garlic. Ms. Atkinson stated not yet. There was discussion as to what other things will be at the site. Annette Atkinson stated that adjacent to the park is a large clearing that could someday be used for a playground. Mike Dwyer stated that the township owns some playground equipment, however right now we are focusing on Phase 1, onlbut that is something that is currently considered for the future. Ms. Atkinson stated that phase 2 could also include a pavilion, dog area, grills. Mr. Younger asked about landscaping of the entrance. Mike Dwyer stated that we can do whatever landscaping we want within the shoulder of the road; however the entrance must have a gate as per the recommendations of the township planning commission. Annette Atkinson stated that a specific sign must be put up but we can always also have a removable sign that could be sponsored by a business.

- d. Historical Commission – Danny Younger pointed out that this commission is in limbo, as they need to appoint a chairman, and some board members have not shown up. Both Mr. Dwyer and Ms. Atkinson stated that the reorganization is scheduled to be addressed at the next meeting.
- e. Economic Development Committee – The Shop Local campaign with the loyalty card program has been reviewed and the mailing will go out that will offer various discounts from participating local businesses. Currently there are (34) businesses that have signed up to offer discounts with the loyalty card.
- f. Planning Commission – ESSA Bank & Trust has submitted and received conditional approval of a land development plan. A minor subdivision plan has been presented and will be reviewed at the next meeting. Continuing education was also discussed.

Township Monthly Reports

- a. Sewer Department – The 4th quarter billing went out and with only (23) days into the quarterly billing cycle over ½ has been collected. Lisa Philips has done a great job in Accounts Receivables. There were no EDU's sold this month to date.
- b. Public Works Department – Throughout the month the PWD has been preparing the Oak Grove facility for the November 1st opening. With the cooperation of the majority of the townships involved, their public works employees have assisted in the preparation of the site. We have all permits and are ready to open on November 1st. Middle Smithfield Township leaf collection will begin next week and the materials collected will be taken to the Oak Grove Multi-Municipal compost facility.
- c. Golf Course & Banquet Hall – The season and the numbers for 2014 are still good. Play continues even this late in the year. There are new marketing efforts for 2015 memberships. The banquet hall is also used for community events as much as possible; East Stroudsburg North Little League and Softball held their banquet this past weekend. Look for the new Whispering Pines website that will be up and running soon. The School of Hotel, Restaurant and Tourism at ESU is interested in working with the township regarding this facility; we are hopeful for a community Thanksgiving event in 2015, for example.

Treasurers Report

Payables – Mike Dwyer made a motion to pay the general fund payables in the amount of \$115,118.63. Annette Atkinson seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to pay the golf course payables in the amount of \$4,588.32. Annette Atkinson seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to pay the sewer fund payables in the amount of \$12,223.97. Mitchell Marcus seconded the motion. Motion passed 3-0.

Solicitors Report

No report

Engineers Report

ESSA Bank & Trust Preliminary/Final Land Development Plan – George Fetch P.L.S. and Diane Reiner of ESSA Bank & Trust presented the plan. Mr. Fetch stated that the plan is to reconfigure the drive though by widening the lane and add additional parking. There are currently (17) parking spaces and they propose (30), by removing a portion of the area where snow is placed. The area that will be disturbed is less than 5,000 sq. ft.

Mr. Fetch stated that the township solicitor's comments will be incorporated into the plan.

Mike Dwyer asked about a curb shown on the plan as it looks as though when visitors get in and out of the vehicles they will be encroaching on Route 209. Ms. Reiner stated that they will relocate the landscaping. Mr. Dwyer suggested placing boulders in the area. Attorney Gaul

asked what they will be stepping out into. Fred Courtright stated that boulders are not proposed in the event cars would have to jump the standard curb.

Ms. Reiner stated that the (3) parking spaces in this area will be designated as employee parking and customers will park in the prime area. Attorney Gaul asked if they would agree to have that stated as employee parking only.

Mitchell Marcus asked if this will affect the parking size of the spaces. Mr. Fetch replied no and Mr. Courtright stated that they still have to conform to the parking sizes as stated in the SALDO.

Modification Requests – Fred Courtright stated that the Middle Smithfield Township Planning Commission recommended approval of the modification requests as outlined in his letter dated October 14, 2014.

- SALDO requirements in Section 170-152 B; sheet size.
- SALDO requirements in Section 170-152 F (1); Note Uses
- SALDO requirements in Section 170-152 D; Plan information (not changed).
- SALDO requirements in Section 170-153 A; Center Line Profiles.
- SALDO requirements in Section 170-153 D; Water Supply and Distribution Plans.
- SALDO requirements in Section 170-153 E; Sewage Collection and Disposal Plans.

Annette Atkinson made a motion to grant the modification requests as stated. Mitchell Marcus seconded the motion. Motion passed 3-0.

Attorney Gaul stated that the conditions reflected in the October 23, 2014 email are recommended and are listed:

- Provide a construction estimate for the improvements according to SALDO,
- Provide a signed Improvements Agreement and provide adequate financial security as required by the SALDO,
- Delete the EDU reference on the plan,
- Provide a note stating that the revised plan modifies the original plan, and provide a reference of the previous plan, that it is acceptable to the Township Engineer,
- Establish an inspection escrow in the amount of \$250.00,
- Payment of all professional fees,

Annette Atkinson made a motion to approve the ESSA Bank & Trust Preliminary/Final Land Development Plan subject to the conditions outlined by the Township Solicitor and Engineer and that the employee parking be noted on the plan as discussed and agreed to. Mitchell Marcus seconded the motion. Motion passed 3-0.

Taydan Company, LLC Request to Release the Letter of Credit – Fred Courtright stated that the existing Friendly's property has an existing Improvements Agreement in place and the work has been completed. The owner is requesting a full release of the Letter of Credit. The amount in

place is \$13,020.70. A re-inspection of the property was completed today and the work covered by the agreement has been done. Mr. Courtright recommended a full release of the L/C.

Annette Atkinson made a motion to release the Letter of Credit based on Fred Courtright recommendations. Mike Dwyer seconded the motion. Motion passed 3-0.

Old Business

None

New Business

Golf Course Committee Letter of Resignation – A resignation letter was received from Buz Radican. Annette Atkinson made a motion to accept Mr. Radican’s resignation letter. Mike Dwyer seconded the motion. Motion passed 3-0.

Golf Course Committee Appointment – Annette Atkinson made a motion to appoint John Smith to fill the vacancy of Buz Radican. Mike Dwyer seconded the motion. Motion passed 3-0.

Pre-Funding Grant Reimbursement – Mike Dwyer made a motion to prefund the amounts required to receive the approved grant reimbursement for the Oak Grove compost site. Annette Atkinson seconded the motion. Attorney Gaul asked what the amount is. Mike Dwyer stated collectively \$111,255.00. Middle Smithfield Township would lend to Oak Grove Multi-Municipal Compost Processing Board and once the already approved grant monies are received from PA DEP the money would be reimbursed back to Middle Smithfield Township. Mike Dwyer explained that the site improvements are completed and the bills should be paid now, rather than wait for the grant monies. Mr. Dwyer suggested that an agreement be drafted outlining the entities and purpose; Attorney Gaul stated that would be a good idea.

Mitchell Marcus made a motion to go into executive session at 8:25 p.m. in order to obtain legal advice from the solicitor with regard to the pre-funding. Annette Atkinson seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to reconvene the meeting at 8:28 p.m. Mitchell Marcus seconded the motion. Motion passed 3-0.

Mike Dwyer stated that the PA DEP grant to the “OGMMCPB” has already been approved and that every grant from PA DEP is a reimbursement grant. Mike Dwyer made a motion to approve the pre-funding grant reimbursement to the “OGMMCPB”. Annette Atkinson seconded the motion. Motion passed.

Demolition and Disposal of Dilapidated/Dangerous Buildings – Annette Atkinson explained that the Zoning Officer previously issued Notices of Violation under Chapter 136 of the Zoning Ordinance to (7) properties within the township. Two of the seven property owners have cleaned up their properties, but five still remain and require official action in order for the Zoning Officer to proceed with demolition, filing a non-traffic citation against the property

owners and for the Township Solicitor to place liens against the properties for the cost of said demolition. The PIN numbers are: Monroe Lakes 09731502788307, 09731502789518, 09732501050628, Pocono Heights 09732403241792 and 09732403227466.

Annette Atkinson made a motion authorizing the Zoning Officer to proceed with the demolition and disposal of dilapidated/dangerous building as stated and for the Township Solicitor to file the necessary liens against said properties. Mike Dwyer seconded the motion. Motion passed 3-0.

Public Comment

None

Adjournment

Annette Atkinson made a motion to adjourn the meeting at 8:33 p.m. Mike Dwyer seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell
 Township Secretary
 October 23, 2014

General Fund

Num	Name	Memo	Amount
12207	Mike Ciarlone	engine lift	-100.00
Trf	Middle Smithfield Township	Payroll Funds Transfer	-47,503.90
12208	209 Enterprises	inv 101-05422 road materials	-221.78
12209	AFLAC	000721 insurance	-420.20
12210	American United Life Insurance Company	policy G 0061299-0000-000 life insurance	-1,158.19
12211	Bradco Supply Co	inv 117816 signs	-234.00
12212	Cintas Corp	inv 101515425 cleaning	-76.44
12213	CNH Capital	5043935501409770	-801.21
12214	Edward Lawson Jr	9/91452 property tax reduction	-41.90
12215	Enviromental Resources Associates	inv 2014-1 prof. fees grant	-500.00
12216	Erin Groome	ccp event supplies & candy for trunk or treat	-97.07
12217	FedEx	inv 281195052	-318.61
12218	Fisher & Phillips LLP	inv 880993 Squires matter	-192.00
12219	Grainger, Inc.	inv 9567013975 / 9567183356	-512.85
12220	GreatAmerican Leasing Corp	inv copier lease	-304.50
12221	H.A.R.I.E	workers comp policy deposit 11/04/14-11/03/15	-22,960.00
12222	Highway Equipment & Supply Co.	inv d14229 parts	-166.65

12223	Joe Les	reimburse for tolls to pick up sewer pump	-13.75
12224	Keystone Municipal Services, Inc	inv 21722 zoning officer 9/29-10/10	-4,875.00
12225	King, Spry, Herman, Freund & Paul LLC	legal invoices 95207 - 95220	-20,295.26
12226	Lawson Products, Inc.	inv 9302813125 parts	-627.66
12227	Mady's Angels	donation for Marge Law	-500.00
12228	Matergia and Dunn	inv 78 zoning hearing board	-1,320.00
12229	Miggys Five	food for HOA meeting 10/4	-28.19
12230	Mitchell K. Marcus	safety breakfast	-202.49
12231	Northeast Fire Services & Inspections, LL	inv 114-198 annual fire sprinkler inspection	-1,200.00
12232	PA State Association of Boroughs	mem 26980 annual dues	-225.00
12233	PAPCO	inv 1590510 gas	-4,346.70
12234	Penteledata	inv b2308645	-171.77
12235	Postage Pros Plus Inc	inv 09726a ink for postage machine	-135.83
12236	Rader Reporting	inv JR911D Oval mgmt zhb	-447.50
12237	Richards Tree Farm	inv 34922 / 34786 / 34923	-4,313.33
12238	Rose Nadzam	return of yard sale deposit	-20.00
12239	Staples Advantage	inv 8031640667 office supplies	-314.30
12240	Staples Contract and Commercial	70013613014 / 8117 / 1300	-176.60
12241	Tammy Ali	tax assessment reduction	-295.95
			-
			115,118.63

Sewer Fund

Num	Name	Memo	Amount
10710	American Aquatic Testing, Inc.	6519	-1,200.00
10711	Graymont Capital Inc.	308620	-5,933.40
10712	MET-ED	100 044 877 809	-15.84
10713	PROSSER LABORATORIES, INC.	09182014.24	-3,570.19
10714	PROTHONOTARY	Tobar Sat	-7.00
10715	STRAND	8889	-1,240.80
10716	VERIZON	570-223-1025 PS #5	-35.77
10717	W.G. MALDEN	8421	-525.00
10718	MET-ED	100 083 606 630	-63.52
10719	VERIZON	570 223 1024 PS #6	-37.10
10720	MET-ED	100 016 914 275	-260.94
10721	VERIZON	570 223 8189	-36.45
10722	MET-ED	100 018 353 951	-297.96
			-13,223.97
			-13,223.97

Golf Fund

Num	Name	Memo	Amount
3084	Claude S. Cyphers, Inc.	parts inv's 625471/473/626148/109/329	(415.87)
3085	Commonwealth of PA	BU11298 renewal pesticide bus lic	(350.00)
3086	Finch Services, Inc	inv b24539	(161.54)
3087	Genesis Turfgrass Inc.	inv 39292 greens maint supplies	(1,414.32)
3088	Hellers Gas, Inc.	inv 38594 propane maint bldg	(552.51)
3089	Kistler O'Brien Fire Protection Northeast Fire Services & Inspections,	inv 560310 inspections	(591.50)
3090	LL	inv 114-197 fire sprinkler inspection	(350.00)
3091	Orkin Pest Control	inv 359444 pest control	(160.00)
3092	Pocono ProFoods	inv 623906 supplies	(252.20)
3093	Turf Equipment & Supply Co.	inv 885795-00 shaft	(90.15)
3094	Verizon	570223814063192y	(49.75)
3095	Verizon	570223737828754y	(200.48)
			<u>(4,588.32)</u>