

A special meeting of the Middle Smithfield Township Board of Supervisors was held on Tuesday, December 11, 2012 at 7:15 pm with Mitchell Marcus presiding.

Members present: Mitchell Marcus, Annette Atkinson and Michael Dwyer. Also in attendance, Township Solicitor Michael Gaul, Township Engineer Fred Courtright, Township Secretary Michele Clewell and numerous members of the public.

Report of Executive Sessions

Attorney Gaul stated that prior to the meeting the Board of Supervisors met to hear legal advice.

Approval of Minutes

Mitchell Marcus made a motion to approve the December 5, 2012 minutes. Annette Atkinson seconded the motion. Motion passed 3-0.

Treasurer's Report

Michael Dwyer made a motion to authorize the Treasurer to execute the purchase order for the Ford F-450 truck and plow, to be purchased from EM Kutz through PA State Contract program. Annette Atkinson seconded the motion. Motion passed 3-0.

- a. Approval of Payable; Michael Dwyer made a motion to approve the General Fund payables in the amount of \$60,609.09. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to approve the Golf Fund payables in the amount of \$3,306.40. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to approve the Liquid Fuels payables in the amount of \$35,452.32. Mitchell Marcus seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to approve the Sewer Fund payables in the amount of \$78,477.76. Annette Atkinson seconded the motion. Motion passed 3-0.

- b. Monroe County Assessment Refunds Due; Michael Dwyer made a motion to refund Arrien & Mary G. Westhuis \$42.16. Mitchell Marcus seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to refund Syed S. Zaidi \$73.14. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to refund Liu William and Nora \$2.25. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to refund J & P Enterprises LLC \$109.48. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to refund Charles & Olga Herman \$13.56. Mitchell Marcus seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to refund Paul A. George \$78.40. Mitchell Marcus seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to refund Lucien George \$180.49. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to refund Myriam Cano \$8.82. Annette Atkinson seconded the motion. Motion passed 3-0.

Michael Dwyer made a motion to refund Myra Bailey \$2.35. Annette Atkinson seconded the motion. Motion passed 3-0.

John Ferro stated that he has not received his reimbursement for the portable radio he purchased. Michele Clewell asked him to re-submit the paperwork to Ray Wolfe.

Engineers Report

Hott PA, Inc., Land Development Plan – Fred Courtright read (verbatim) a written request from the applicant's attorney, Joseph Weismeth asking for an extension to the MPC deadline within which the Township has to render a decision on the Land Development application until 5:00 p.m., Monday February 18, 2013. The request also asks to be placed on the January 24, 2013 regularly scheduled Board of Supervisors meeting addenda.

Mr. Courtright reported that several meetings with him, Alternate Township Solicitor Gerry Geiger, Attorney Joseph Weismeth, applicants engineer Jodi Litus P.E. have taken place and another meeting is scheduled for Thursday, December 20, 2012 at Mr. Courtright's office providing Mr. Litus has all the necessary information, otherwise the meeting will be held on Friday December 28, 2012.

Mr. Courtright stated that he was given revised plans dated December 10, 2012 by Mr. Litus, P.E. he also stated that he has prepared Review Letter #6 and Stormwater Review # 8 dated December 10, 2012 based on the revised plans received.

Mitchell Marcus made a motion to grant the time extension until February 18, 2013 and place the Hott PA, Inc. Land Development plan on the January 24, 2013 meeting agenda. Michael Dwyer seconded the motion.

Nancy Bittner asked why the applicant cannot be told they will be on the agenda February 18, 2013 instead of granting the request to appear on the January 24, 2013 agenda. Attorney Gaul stated that under the MPC you have to make a decision and then give written notice of the decision in a timely manner.

Bob Pohlman asked for details of the plan deficiencies. Mr. Courtright stated that, he did not want to comment generally on the project, but that his most recent review letters would be available for public inspection.

There was a question asking if the extensions are endless and what are the costs to the Township. Attorney Gaul stated that there is an obligation to grant the requests and the costs are minimal as the applicants are billed for Township Solicitor and Engineering reviews.

Bob Pohlman stated that they are litigants and the process is being drawn out. Annette Atkinson stated that there are two issues, the first being the conditional use, for which he is a litigant, and the second being the land development issue and it is the land development that is before the Board of Supervisors. Attorney Gaul stated that Bob Pohlman should discuss the zoning issue with his legal counsel. Attorney Gaul stated that the Township does not represent the appellants in the zoning appeals and the Township does not want to discuss this any further.

The motion passed 3-0.

Sellersville Junction Development, L.P. Request for Reduction of Financial Security No. 2; Fred Courtright reported that a request to release financial security escrow from Sellersville Junction Development, L.P. for the proposed Wawa in the amount of \$140,962.80 has been received. Mitchell Marcus made a motion authorizing Mr. Courtright to conduct an inspection and report his findings and recommendations. Annette Atkinson seconded the motion. Motion passed 3-0.

Solicitors Report

Hiawatha Road Vacation of Road Documents; Attorney Gaul stated that until additional direction is given this should be removed from the agenda. Mitchell Marcus made a motion to remove from the agenda. Michael Dwyer seconded the motion. Motion passed 3-0.

Fernwood Real Estate Tax Payment/Assessment Appeal Refund; Attorney Gaul reported that there was a court order and was handled by the Monroe County Assessment Office.

Fernwood assessment value has gone down and they were issued a credit for 2010 in the amount of \$18,230.00, 2011 credit of \$17,677.00, 2012 credit of \$35,738.00 for a total of \$71,654.00.

Attorney Gaul explained that in order to handle in an effective way the Township will issue a \$35,915.49 refund check once they have paid their 2012 payment in full. This will resolve all future credit by taking care of existing obligations and refunds.

Mitchell Marcus made a motion authorizing a refund in the amount of \$35,915.49 delivered to them upon confirmation that the remainder of the 2012 taxes have been paid in full. Michael Dwyer seconded the motion. Motion passed 3-0.

Bob Pohlman asked if Fernwood is behind in their sewer payments. Attorney Gaul stated that it is not appropriate to hold back their payment.

Richard Kawski asked if everyone is referring to the previous owner of Fernwood or the Eartles that recently purchased Fernwood. Attorney Gaul stated that this is for the timeshare units.

Gary Summers asked if the 2012 taxes are still owed. Attorney Gaul answered yes.

The motion passed 3-0.

Resolution 12-2012-01 Purchase Ford Truck under PA State Contract; Attorney Gaul explained that this resolution is for the purpose of purchasing a Ford F-450 truck and plow under the PA State Contract and authorizes the financing the purchase of the truck and note to be issued payable in 2013 and 2014. Michael Dwyer made a motion to approve Resolution 12-2012-01. Mitchell Marcus seconded the motion. Motion passed 3-0.

Old Business

Schedule Adams Outdoor Advertising Conditional Use Application for a Public Hearing; Attorney Gaul stated that the deadline for the Board of Supervisors to hold the public hearing is January 15, 2012. Attorney Gaul stated that the applicant's attorney expressed to him that they will extend the deadline to January 24, 2013 although Attorney Gaul asked that the deadline of January 31, 2013 be given in order to have sufficient time to render a decision and provide a written notice of the decision.

Mitchell Marcus made a motion to schedule the Adams Outdoor Advertising Conditional Use Application for a public hearing on January 24, 2012 at 7:00 p.m. and that Wayne Rohner, Zoning Office is to schedule with the applicant and advertise. Annette Atkinson seconded the motion. Motion passed 3-0.

Public Comment

Richard Kawski had questions regarding traffic signal timing. Fred Courtright stated that the all timing for traffic signals is controlled by PennDOT not the municipalities. Timing schedules have to be approved by PennDOT; the township cannot demand anything. If the timing is not set on Route 209 and Mt. Nebo it is because of construction taking place. Michael Dwyer stated that if the timing were to be changed by the municipality and was not approved by PennDOT, PennDOT could bring a liability against the township.

Richard Kawski asked if anyone has looked into the speed limit of Oak Grove. Michael Dwyer stated that he has contacted PennDOT three times in the last week and is still pursuing it.

Mitchell Marcus made a motion to adjourn the meeting at 7:55 p.m. Annette Atkinson seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell
Township Secretary
December 11, 2012

100.000 - Wayne Bank - Golf Course

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Credit</u>
12/11/2012	Global Pay	Nov credit card fees	313.02
12/11/2012	Hellers Gas, Inc.	73484/73485 propane for clubhouse & maint bldg	1,771.41
12/11/2012	Met-Ed	a/c 100081748863 maint bldg	211.79
12/11/2012	PA Dept. of Labor & Industry	file # 61775 inv # 217245 2011 Boiler permit	81.00
12/11/2012	Ray White.	inv 127235 cleaning of table skirts	35.00
12/11/2012	Met-Ed	a/c 100081748848 clubhouse	894.18
			<u>3,306.40</u>

104-000 - General Fund - Wayne Bank

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Credit</u>
12/05/2012	10137	Middle Smithfield Township 2012 GOB	2012 GOB General Fund portion installment	11,491.67
12/05/2012	Trf	Middle Smithfield Township	Payroll Funds Transfer	38,170.90
12/10/2012	10138	Lehman Township	Holloween Trail	983.33
12/11/2012		Bergey's, Inc	inv PH405224R brake assy/pin spring	54.50
12/11/2012		BIU of PA, Inc.	inv 01000120028357 permits	5,734.12
12/11/2012		BWP-Carquest Auto Parts	8348-26535/26629/27407 parts 606192/606330 brake kits, filters, diesel additives, parts	377.97
12/11/2012		Claude S. Cyphers, Inc		530.96
12/11/2012		Commonwealth of PA UST Indemnif.	a/c 603276 capacity fees	247.50
12/11/2012		Dawn M. Arnst	tax collector supplies & PO Box rental	228.23

12/11/2012	Lewis True Value	misc hardware	150.16
12/11/2012	Met Ed	a/c 100073577916 Sellersville Light	26.80
12/11/2012	Newman, Williams, Mishkin, Corveleyn	inv 84319 professional services	660.00
12/11/2012	P & S Garage	inv 68743 state inspection	28.30
12/11/2012	PA One Call System, Inc.	inv 514813 MSF	35.00
12/11/2012	Pennsylvania American Water	a/c 2419890492 hydrants	120.69
12/11/2012	Pocono Produce	inv 443602 TP & towels	129.10
12/11/2012	Pocono Record	inv 648402 parks, job fair, public notices	510.09
12/11/2012	Reilly Associates.	inv 11 CCP Phase III Sect5 review	921.70
12/11/2012	S & W Starter	po 12-620 alt rebuilt	159.00
12/11/2012	Tulpehocken Spring Water	inv 1243952 water	30.75
12/11/2012	Wayne D. Rohner	reimburse milage for zoning class	18.32
			<u>60,609.09</u>

102-000 - PNC Bank -Muni Plus Account – Liquid Fuels

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
12/11/2012	1090	Interstate Road Management	inv 2016680-01 Line painting	13,425.32
	1091	void		
12/11/2012	1092	New Holland Ford	F-450 Truck and Plow	<u>22,027.00</u>
				35,452.32

