

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Thursday, May 23, 2013 at 7:07 p.m. at the Schoonover Municipal Building with Annette Atkinson presiding.

Members present were: Annette Atkinson, Michael J. Dwyer and Mitchell K. Marcus. Also in attendance were; Township Solicitor Michael Gaul, Esq.; Keely Collins, Esq.; Township Engineer Fred Courtright, P.E.; Administrative Assistant Erin Groome; Stenographer Donna Kenderdine and numerous interested parties and residents.

Approval of Minutes

Annette Atkinson made a motion to approve the May 9, 2013 minutes. Michael Dwyer seconded the motion. Motion carried 3-0.

Public Hearing

Annette Atkinson made a motion to table consideration Ordinance Number 193: Intention to Adopt Township Road Vacation Ordinance for Hiawatha Road. Mitchell Marcus seconded the motion. Motion carried 3-0.

Seal Coat Bid Opening

Seal Coat Bids were opened and read. Bids were received for T-517 Hidden Lake Drive by: Asphalt Paving Systems, Inc. for \$123,727.23; Dosch King Emulsions, Inc. for \$95,063.67; Asphalt Maintenance Solutions, LLC for \$94,325.64 and Pocono Spray Patching for \$123,325.53. Bids were received for alternate #1 bid road of T-630 Coolbaugh Road by: Asphalt Paving Systems, Inc. for \$84,694.92; Dosch King Emulsions, Inc. for \$2,273.53; Asphalt Maintenance Solutions, LLC for \$39,453.87 and Pocono Spray Patching for \$47,070.59. Michael Dwyer motioned to accept receipt of the bids, subject to Solicitor and Engineer's review for responsiveness, Annette Atkinson seconded the motion. Motion passed 3-0.

Executive Session

Michael Gaul reported that personnel matters were discussed at Executive sessions on Friday, May 10; Monday, May 13 and Monday, May 20, 2013.

Treasurer's Report

Michael Dwyer reported that to date, the township continues to stay under budget on expenses and the income continues to be consistent with the budget projections made in December 2012.

Michael Dwyer reported that we received a draft copy of the financials from our township auditor as of 5:00 p.m. today. Mr. Dwyer was not able to report on the draft due to time constraints.

Michael Dwyer reported that the Township Recycling Consultant is working on a Recycling Grant that is due May 31, 2013.

Michael Dwyer reported that Public Works has completed the curbside leaf collection for all township roads. He also noted that the items left from the Free-Cycle event during Spring Clean Up would be taken to Bushkill Outreach for their Memorial Day Weekend Yard Sale on Friday, May 24, 2013.

Michael Dwyer made a motion to pay the General Fund bills in the amount of \$67,555.72, Annette Atkinson seconded the motion. Motion carried 3-0.

Michael Dwyer made a motion to pay the Golf Course bills in the amount of \$14,423.37, Annette Atkinson seconded the motion. Motion carried 3-0.

Michael Dwyer made a motion to pay the Municipal Sewer bills in the amount of \$42,253.98, Annette Atkinson seconded the motion. Motion carried 3-0.

Michael Dwyer made a motion to authorize a refund to the Ong Family for a tax assessment overpay in the amount of \$141.88. Annette Atkinson seconded the motion. Motion carried 3-0.

Solicitors Report

Michael Gaul asked Fred Courtright to report on the Planning Commission results for the Minor Subdivision of Lands of Eric R. and Melissa Tesche. Fred Courtright reported that the Planning Commission made a motion to approve all the modifications for the Tesche plan on Thursday, May 16, 2013. Michael Gaul recommended the supervisors approve the plan subject to conditions. Ray Rogers from Frank J. Smith's office was present for any questions the board may have had.

Michael Gaul read the modifications for the subdivision and explained them to the public.

Annette Atkinson made a motion to approve the Minor Subdivision, and requested modifications, with the following conditions; Payment of all fees and filing of appropriate joinder deed application prior to execution of plans for recording. Michael Dwyer seconded the motion. Motion carried 3-0.

New Business

Annette Atkinson made a motion directing Township Solicitor, Michael Gaul, to start working on an ordinance for the Discharge of Firearms within Middle Smithfield Township, Mitchell Marcus seconded the motion. Motion carried 3-0.

Public Comment: John Davis stated that there is a Game Commission law already that regulates guns being fired in safety zones and wondered why more laws were needed. Michael Gaul explained that Middle Smithfield Township would not regulate use of firearms for hunting. The state hunting laws already in place would govern the use of firearms for hunting. Mr. Davis also asked how this ordinance would affect target shooting. Michael Gaul said he would have to research this more. Mitchell Marcus stated to Mr. Davis that we are not looking to take away any residents rights, just to make it safer.

Richard Kowalski asked if there was a law that requires or regulates that a back stop be used while target shooting. Michael Gaul stated that he believed that there is a law that regulates back stops, but could not recollect off-hand the circumstances to which it applied.

Michael Gaul asked the supervisors if they wanted him to look at regulating the fire arms just around the schools or also around the township properties. Annette Atkinson responded with both township and school properties.

Wayne Witkowski from the Pike and Monroe Life Newspaper asked for clarification of could the ordinance possibly ban firearms all together in the Township. Michael Gaul stated "No" and explained that fire arms could not be banned for hunting purposes. Mr. Witkowski questioned if the ordinance could ban target practice also. Michael Gaul said he could not answer that question at this time.

Annette Atkinson made a motion to adopt Resolution 05-2013-3; Municipal Building Rental Policy. Michael Dwyer seconded the motion. Motion carried 3-0.

Annette Atkinson explained that Resolution 05-2013-4; Entering the Township Building after Hours, was removed from the agenda and that this will no longer be a resolution. It will now become a part of the Employee Handbook.

Michael Dwyer made a motion to adopt Resolution 05-2013-5; Municipal Winter Traffic Services Agreement Supplemental. Annette Atkinson seconded the motion. Motion carried 3-0.

Annette Atkinson motioned to amend the Employee Handbook with the effectiveness date of May 23, 2013. Michael Dwyer seconded the motion. Motion carried 3-0.

New Hires

Annette Atkinson motioned to approve hiring of Kevin Fin for the Golf Course. Michael Dwyer seconded the motion. Motion carried 3-0.

Personnel

Annette Atkinson made a motion to terminate the employment of Zoning Officer Wayne Rohner. Michael Dwyer seconded the motion.

Annette Atkinson asked for public comment where by Michael Sweeny, Esq. of Lyman and Ash, who represents his client Wayne Rohner, stated that he would speak on his behalf. Attorney Gaul asked if Attorney Sweeny would like to speak to the Board in Executive Session since the topic involved a personnel matter. Attorney Sweeny replied yes.

Annette Atkinson called for a motion to go into Executive session at 7:43 p.m., Michael Dwyer seconded the motion. Motion carried 3-0.

Annette Atkinson made a motion to reconvene the Board's public meeting at 7:50 p.m., Michael Dwyer seconded the motion. Motion carried 3-0.

Annette Atkinson made a motion to terminate the Employment of Zoning Officer Wayne Rohner. Michael Dwyer seconded the motion. Motion carried 3-0.

Michael Dwyer made a motion to appoint Cory Lyon as Recycling Coordinator. Annette Atkinson seconded the motion. Motion carried 3-0.

Public Comment

Larry Diamond made a comment about the smell along Route 209. The Board of Supervisors acknowledged his comment.

Annette Atkinson made a motion to adjourn the Board of Supervisors meeting at 7:53 p.m. Michael Dwyer seconded the motion. Motion carried 3-0.

Respectfully Submitted,

Erin Groome
Administrative Assistant