



MIDDLE SMITHFIELD TOWNSHIP
BOARD OF SUPERVISORS MINUTES
MARCH 23, 2017

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Thursday, March 23, 2017 at 7pm at the Schoonover Municipal Building with Annette Atkinson presiding.

Supervisors present; Annette Atkinson, Mike Dwyer and Mark Oney. Also present, Township Solicitor Michael Gaul, Esquire, Township Engineer Fred Courtright, P.E., Township Secretary Michele Clewell, Andrew Worthington Esq., on behalf of the HaRa Minor Subdivision Plan and one resident.

Pledge of Allegiance

Approval of Minutes

Annette Atkinson made a motion to approve the March 9, 2017 minutes. Mike Dwyer seconded the motion. Motion passed 3-0.

Report of Executive Session(s)

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

Public Hearing(s)

Donna Kenderdine took a stenographic record of the public hearing.

Annette Atkinson made a motion to open the public hearing at 7:04pm for an Ordinance Of The Township Of Middle Smithfield, Monroe County, Pennsylvania, Setting Forth An Amendment To The Code Of Ordinances Of The Township Of Middle Smithfield, As Heretofore Amended, Amending Part Ii, "General Legislation", Chapter 200 "Zoning", Article Ix "Signs", Division 90 "Sign Provisions"; Amending §090-20 Sign Definitions And Interpretation, §090-40, Sign Permit Procedures And Master Sign Plans, Subparagraph C., Permit Review And Action, §090-40, Sign Permit Procedures And Master Sign Plans, Subparagraph G.(2)., Enforcement Notice, §090-50, Signs Not Requiring A Permit, §090-60, Prohibited Signs, §090-80 Allowed Signs In Each Zoning District, §090-130 Miscellaneous Individual Signs, And §090-140 Sign Illumination, Subparagraph B., Types Of Sign Illumination; And Providing For Other Miscellaneous Matters. Mike Dwyer seconded the motion. Motion passed 3-0.

Attorney Gaul introduced the township exhibits into the record and provided a summary of the Ordinance.

The hearing was opened up for public comment. No public comment was offered.

Annette Atkinson made a motion to close the public hearing at 7:08pm. Mark Oney seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to adopt Ordinance 212 Setting Forth An Amendment to the Code Of Ordinances Of The Township Of Middle Smithfield, As Heretofore Amended, Amending Part Ii, "General Legislation", Chapter 200 "Zoning", Article Ix "Signs", Division 90 "Sign Provisions"; Amending §090-20 Sign Definitions And Interpretation, §090-40, Sign Permit Procedures And Master Sign Plans, Subparagraph C., Permit Review And Action, §090-40, Sign Permit Procedures And Master Sign Plans, Subparagraph G.(2)., Enforcement Notice, §090-50, Signs Not Requiring A Permit, §090-60, Prohibited Signs, §090-80 Allowed Signs In Each Zoning District, §090-130 Miscellaneous Individual Signs, And §090-140 Sign Illumination, Subparagraph B., Types Of Sign Illumination; And Providing For Other Miscellaneous Matters. Mike Dwyer seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to open the public hearing at 7:09pm for an Ordinance Of The Township Of Middle Smithfield, Monroe County, Pennsylvania, Amending The Township's Code Of Ordinances, Part Ii, "General Legislation", Chapter 200 "Zoning", Division 83 "Zoning Hearing Board"; Revising Section 083-010, "Membership, To Permit The Appointment Of Alternate Zoning Hearing Board Members, And To Add Additional Qualifications For Zoning Hearing Board Members; And Providing For Other Miscellaneous Matters.

Attorney Gaul introduced the township exhibits into the record and provided a summary of the Ordinance.

The hearing was opened up for public comment. No public comment was offered.

Annette Atkinson made a motion to close the public hearing at 7:12pm. Mark Oney seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to adopt Ordinance 213 amending The Township's Code Of Ordinances, Part Ii, "General Legislation", Chapter 200 "Zoning", Division 83 "Zoning Hearing Board"; Revising Section 083-010, "Membership, To Permit The Appointment Of Alternate Zoning Hearing Board Members, And To Add Additional Qualifications For Zoning Hearing Board Members; And Providing For Other Miscellaneous Matters. Mark Oney seconded the motion. Motion passed 3-0.

Bid Opening and Consideration of Award

2017 Spring & Fall Cleanup Containers; Mike Dwyer opened the one bid received from Waste Management for the spring and fall cleanup containers. Upon review of the bid received, Mike Dwyer made a motion to accept and award the 2017 spring and fall cleanup containers bid to Waste Management for \$21.25 per yard. Mark Oney seconded the motion. Motion passed 3-0.

Fernwood Wastewater Treatment Plant Equalization Tank/Pump Station Replacement; Mike Dwyer stated that four sealed bids were received. Following the opening of the sealed bids,

Mike Dwyer made a motion to accept the bids for review and table awarding the contract to the next Board of Supervisors meeting to allow township engineer and solicitor review of the documents. Mark Oney seconded the motion. Larry Shoemaker asked what the equalization tank is and Mr. Courtright answered his question. Motion carried 3-0.

Equalization Tank/Pump Station Replacement Bid
Results

Blooming Glen	\$611,740.00
JEV Construction, LLC	\$925,800.00
PSCT TWO, LLC	\$1,360,000.00
Pioneer Construction	\$963,644.00

Announcements

The annual Eggtravaganza will be held on April 8th at the Resica Park. The HOA meeting will be held on April 1st at the municipal building. The pea planting party has been postponed until Earth Day and will be announced as the date is closer.

Treasurer's Report

Mike Dwyer stated that income is coming in as expected and all accounts are current.

Payables; Mike Dwyer made a motion to pay the general fund payables in the amount of \$97,295.16. Mark Oney seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the sewer fund payables in the amount of \$246,726.04. Mark Oney seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the golf course fund payables in the amount of \$20,223.63. Mark Oney seconded the motion. Motion passed 3-0.

Solicitors Report

No report

Engineers Report

HaRa Corporation Minor Subdivision Plan; Andrew Wolfe, Esquire was present to discuss the minor subdivision plan on behalf of his client. Mr. Wolfe stated that his letter dated March 21, 2017 addresses the Township Solicitors letter dated January 24, 2017 letter, point by point. Mr. Wolfe also stated that he feels they are close to resolving the issues.

Mr. Wolfe stated that HaRa Corporation agrees that the township will have no responsibility or expense for the undeveloped parcel on the minor subdivision presented.

The current sewer line from the Turkey Hill manhole to the HaRa is private and services the corporate building. HaRa Corporation now desires to keep that area of line private, but to make it a private joint sewer line for proposed Parcels A and B, instead of extending the public line to the point of common connection between Parcels A and B.

Mr. Wolfe stated that he will get another letter from PA American Water.

Mr. Courtright wants to make sure that HaRa Corporation does not want to do a parallel sewer line.

Attorney Gaul stated that with respect to the proposed joint private sewer lateral line, the township typically would not allow a private joint sewer line. A private joint sewer line potentially undermines the independence of the subdivided parcels, and the Township's ability to administer its system and enforce its regulations. The Supervisors stated that the township wants a Common Ownership Agreement for the properties.

Attorney Gaul stated that the Board of Supervisors is willing to allow a subdivision based on a private joint sewer lateral to the public line, provided that there is an agreement between the owners of Parcels "A" and "B" and the Parcels have common ownership.

Mr. Wolfe stated that the Improvements Agreement has been completed and he will prepare the Maintenance Agreement.

Attorney Gaul questioned what the nature of the easements is. Mr. Wolfe stated that the easements were in place prior to Turkey Hill but is sure they are on the plans. He also stated that he believes the easement for the township is bigger than what is needed.

Attorney Gaul stated that at this time, the township will not require the applicant to provide design criteria for the sewer and water lines for the subdivision, provided, however, when the applicant constructs the sewer line, it must conform to the then Township and PA DEP specifications.

There was discussion regarding the 2009 Sewer Agreement between the Bushkill Group and the Township. Attorney Gaul stated that the 2009 Agreement does not exempt the Bushkill Group from complying with requirements of the SALDO. Any decision of the Township on the current subdivision plan is not intended, and does not, create any precedent that Bushkill Group and its entities are somehow exempt from the requirements of the Township's SALDO.

Mike Dwyer stated that the stumbling block in this is because of the subdivision. Single ownership we wouldn't be as concerned but if there is a 3rd party, they must come back to the Township if and when Bushkill Group, Inc. sells the property.

Following additional discussion Attorney Gaul stated that he will respond to Mr. Wolfe's letter dated March 21, 2017.

Attorney Gaul stated that an extension of time is requested as the time limitation to render a decision expires on March 30, 2017. Mr. Wolfe stated HaRA grants the Township an extension of time to render a decision on the HaRa Minor Subdivision Plan until April 30, 2017, and that he will provide a letter confirming the same.

Annette Atkinson made a motion to accept the extension to render a decision to April 30, 2017. Mark Oney seconded the motion. Motion passed 3-0.

Old Business

None

New Business

Fee Waiver Request for Pocono Photo Club Whispering Pines Banquet Hall Rental on April 23, 2017; Annette Atkinson made a motion to approve the fee waiver request for the Whispering Pines rental fee for the Pocono Phot Club event on April 23, 2017. Mike Dwyer seconded the motion. Motion passed 3-0.

Fee Waiver Request for Bushkill Fire Company Auxiliary Banner; Annette Atkinson made a motion to approve the fee waiver request in the amount of \$125 for the Bushkill Fire Company Auxiliary banner.

Public Comment

Mike Dwyer thanked the Public Works Department for the great job they did with the last snow storm. Annette Atkinson also thanked the PWD and said they did a stellar job with the snow removal. Mark Oney stated that the PWD did a great job as well.

Andrew Wolfe asked about the road work signs on Sand Hill Road as well as McCole Road. Mr. Dwyer stated that the signs were placed by PennDOT. PennDOT will be installing curb cuts as part of their pre-paving of Route 209.

Adjournment

Annette Atkinson made a motion to adjourn the meeting at 8:07pm. Mike Dwyer seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell
Township Secretary
March 23, 2017

General fund

Num	Name	Memo	Credit
14986	Ace Trucking & Repairs, Inc	invs 12241 / 12263 tires & inspections	974.00
14987	Advance Auto Parts	invs 572942 / 613646 parts	155.30
14988	AFLAC	insurance a/c y2051	384.26
14989	American United Life Insurance Company	policy G 0061299-0000-000 life insurance	1,566.82
14990	Bergey's, Inc	invs ph565934r/566541r/567359r parts	441.16
14991	Blackout-Design.Com	inv 1456 web hosting & marketing & consulting	4,250.00
14992	Cleveland Brothers	inv inpp2041481 parts	86.94
14993	David Miller Painting	painting bldg A	950.00
14994	Donna G. Kenderdine, RPR	invs 4-17 / 45-17 legal	552.00
14995	Double M Productions	inv 27541 uniforms	711.00
14996	Francis C. Disalvo	inv 03021733469 parts	183.10
14997	Grainger, Inc.	inv 9380221045 trash bags	162.36
14998	Harry Himeline Builders, Inc	inv 00655 building repairs	2,568.46
14999	Highway Equipment & Supply Co.	inv d37824 parts	196.11
15000	Huffmans' Electric	invs 9125 / 9126 lights & fixtures	6,080.92
15001	HWA GROUP INC	inv 4903 parts & repairs	783.69
15002	Karen Stapleton.	reimburse for mileage	21.40
15003	King, Spry, Herman, Freund & Paul LLC	legal fees invs 113011-116468	15,918.15
15004	Lawson Products, Inc.	inv 9304763424 parts	221.44
15005	Leroy Lewis	contracted maintenance- dog park	200.00
15006	Monroe County Assessment	March sales list	16.00
15007	Monroe County Treasurer	tax bills & Interim A bills	4,565.89
15008	NAPA Auto Parts	inv 834951 parts	17.99
15009	Neopost	7900 0444 6025 7144	6.99
15010	Orkin Pest Control	inv 60962 pest control	169.74
15011	PA Municipal Health Insurance Cooperative	10207571-72 health insurance	47,001.76
15012	PAPCO	invs 2108606/2110049/2110196 gas & propane	5,431.69
15013	Pennsylvania American Water	1024220008909318 bark park	17.19
15014	Penteledata	inv B2936812 email boxes	171.77
15015	Praxair Dist Mid-Atlantic	inv 76503775	118.17
15016	Robert Ciavatta	photo shoots for fossil day, POTY & POTY check presentation	900.00
15017	Staples Advantage	invs 8043488349/8043607048 office supplies	144.58
15018	Tulpehocken Spring Water	inv 2840509	81.60
15019	UTRS, Inc	inv 41817 rtk copies	16.25
15020	Verizon	570223050340643y	301.00
15021	Met Ed	100114051681 bark park	24.67
15022	Met Ed	100059550028 Echo lake	37.08
15023	Met Ed	100073577916 Sellersville light	39.03
15024	Met Ed	100069220836 River Rd light	23.27
15025	Met Ed	100036091245 bldg B	969.01
15026	Met Ed	100016951467 bldg A	809.65

Sewer fund

Num	Name	Memo	Amount
12133	COYNE CHEMICAL	259941	-2,820.00
12134	Derstine Company LLC	UV Final Payment	-7,250.00
12135	Kruger	17000144RI05700 - Rotor Gearbox for	-14,756.34
12136	Main Pool & Chemical Company Inc.	WL	-884.50
12137	PENNSYLVANIA AMERICAN WATER	1759866	-15.00
12138	PROSSER LABORATORIES, INC.	1024-210031497597	-42,191.87
12139	Wilmington Trust Company	April 2017 Interest Payment	-
12140	Wilmington Trust Company	04/2017 Interest Payment	146,470.00
12141	VERIZON	570223102484027Y - PS#6 Sellersville	-24,871.88
12142	VERIZON	570223102584198Y - PS#2 Fairway Villas	-39.77
12143	VERIZON	570223737828754Y - Rt 209	-37.03
12144	VERIZON	570223818989863Y - PS#9 Oak Grove	-207.47
12145	VERIZON	570223860470846Y - PS#10 BRD	-36.68
12146	MET-ED	570223860470846Y - PS#10 BRD	-37.47
12147	MET-ED	100044863148 - WL Island View	-31.32
12148	MET-ED	100016914275 - PS#5 Rt 209/Municipal	-371.90
12149	MET-ED	100018446334 PS#3 McCole & 209	-113.72
12150	MET-ED	100018440378 - PS#4 Maple Ln	-374.48
12151	MET-ED	100016867432 - PS#8 LOTP	-188.09
12152	MET-ED	100018442556 - PS#7 McCole & NP	-129.51
12153	MET-ED	100081035618 - Lift Station	-24.69
12154	MET-ED	100083606630 - PS#9 Oak Grove	-70.89
12155	MET-ED	100018448652 - Main STP	-4,744.07
12156	MET-ED	100089058661 - Rt 209	-23.13
12157	MET-ED	100016629691 - Sleepy Hollow Fairway	-129.57
12158	MET-ED	100076523768 - WL Mtn Pass	-65.33
12159	MET-ED	100080913799 - Off Sleepy Hollow	-174.29
12160	MET-ED	100044877809 - WL Clubhouse Dr	-61.08
12161	MET-ED	100080916826 PS#2 Fairway Villas	-73.93
12162	MET-ED	100080920901 - Tree Tops	-33.19
12162	MET-ED	100018353951 - PS#6 Sellersville	-498.84
			-
			246,726.04

Golf fund

Num	Name	Memo	Amount
60064	Gallery System Art Displays, Inc	inv 32037 galleryone system	(1,086.57)

60065	Claude S. Cyphers, Inc.	invs 655184/472/704/816 parts	(753.83)
60066	Grass Roots Turf Products	inv 816836/ 816743 /816742 less credits	(22.20)
60067	Hellers Gas, Inc.	invs 843117 / 118 propane	(824.59)
60068	Kevin Dixon	reimburse for liquor & mileage	(205.79)
60069	Lawson Products	inv 930471664 parts	(159.41)
60070	Motts Auto Repair	inv 36192 mower repairs	(90.00)
60071	NAPA Auto Parts	inv 834017 parts	(132.96)
60072	Nazareth Machine Works Inc	inv 12628 cylinder repair	(1,919.84)
60073	Northeast Fire Services & Inspections, LL	invs S17-030 / 031 repairs	(6,274.62)
60074	PA American Water	1024210033261244	(91.70)
60075	Paint-Tech Design, LLC	inv 32317 balance of water damage repair work	(4,000.00)
60076	Pocono Mountains Vacation Bureau	2017 co-cop campaign	(1,250.00)
60077	R&R Products	inv cd2099937 teejet spray tip	(116.25)
60078	Turf Equipment & Supply Co.	invs 963320/963981/963320-01 parts	(1,590.84)
60079	Met-Ed	100081748855 pump house tomx rd	(287.45)
60080	Met-Ed	100104048101 pump house doral crt	(18.23)
60081	Met-Ed	100081748863 maint bldg	(232.99)
60082	Met-Ed	100081784231 big ridge dr	(42.11)
60083	Met-Ed	100085171773 guard shack	(171.19)
60084	Met-Ed	100081748848 clubhouse	(953.06)
			<u>(20,223.63)</u>