



MIDDLE SMITHFIELD TOWNSHIP  
BOARD OF SUPERVISORS MINUTES  
APRIL 26, 2018

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Thursday, April 26, 2018 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, Esq., Township Engineer Fred Courtright P.E., Township Secretary Michele Clewell, Stenographer Donna Kenderdine, Deanna Schmoyer, P.E. of D&D Engineering and General Construction, LLC, Robert McLaughlin of the Lake of the Pines Community Association and several residents.

### **Pledge of Allegiance**

### **Approval of Minutes**

Annette Atkinson made a motion to approve the April 12, 2018 minutes. Mike Dwyer seconded the motion. Motion passed 3-0.

### **Report of Executive Session(s)**

Attorney Gaul stated that the supervisors held an executive session prior to the meeting to go over pending legal matters with the Township Solicitor.

### **Announcements**

Restaurant Week kickoff begins at 6pm this Sunday at the Whispering Pines Clubhouse with five area restaurants showcasing their fan favorites. 1,000 Feet of Street is Saturday, April 28<sup>th</sup> at 8am at the township building. Over eighty volunteers are expected to assist with the road cleanup. The township's spring cleanup is Friday, May 4<sup>th</sup> and Saturday May 5<sup>th</sup> from 7am-4pm.

### **Correspondence**

None

### **Public Hearing on:**

An Ordinance Of The Township Of Middle Smithfield Township, Monroe County, Pennsylvania, Amending Chapter 176, Part II, Of The Code Of Ordinances Of The Township Of Middle Smithfield, As Heretofore Amended; Adding To Chapter 176 An Article V, Volunteer Service Credit Program; Establishing Local Tax Credits For Qualified Volunteer Members Of Volunteer Fire Companies And Nonprofit Emergency Medical Service Agency; And Establishing Administrative Procedures And Appeals

A Resolution of the Township Of Middle Smithfield, Monroe County, Pennsylvania, Establishing the Annual Criteria That a Volunteer Must Meet To Be Certified Under The Township Of Middle Smithfield Volunteer Service Credit Program To Claim Local Tax Credits

Annette Atkinson made a motion to open the public hearing at 7:04pm. Mark Oney seconded the motion. Motion passed 3-0.

Donna Kenderdine took a stenographic record of the public hearing. A transcript of the hearing will be available at the Township's offices, and is made a part of these minutes.

Attorney Gaul introduced the exhibits into the record. Attorney Gaul stated that some amendments were added to the proposed ordinance and the final ordinance will reflect the changes. Attorney Gaul stated that a mistake in the preparation of the proposed ordinance was brought to his attention and was corrected. The amended proposed ordinance now has the Shawnee Volunteer Fire Company listed as an eligible entity. There were also some minor changes to the section numbering in order to be consistent with the Township Code of Ordinances. The revised proposed ordinance, showing the amendments, is one of the exhibits.

Attorney Gaul stated that the purpose of the proposed ordinance is to provide tax credits, up to \$250.00 for the Earned Income Tax ("EIT") and a tax credit of 10% on Township real property taxes, but that does not include school districts, which is the bulk of a property owner's tax expense. This is for "qualified" real property, meaning a person's full time primary residence.

The following individuals commented in support of the proposed ordinance:

- a. Tim Rohner; Assistant Fire Chief – Bushkill Volunteer Fire Company
- b. Debbie Kulick, President Bushkill Emergency Corps
- c. Katie Wilus, Shawnee Fire Company
- d. David Fuer, Shawnee Fire Company

Attorney Gaul summarized the criteria for eligibility to receive the tax credits, which is contained in the proposed Resolution.

Attorney Gaul stated that the primary purpose of the tax credit program is to provide financial assistance to volunteers to respond to calls, but the Township views every volunteer who provides service to the volunteer fire company and non-profit EME organization as important to their sustainability. The tax credit program established by the ordinance will only be available to people that pay taxes in Middle Smithfield Township and if they don't, they should speak to their municipalities to see if they will adopt a similar program.

Annette Atkinson made a motion to close the public hearing at 7:14pm. Mike Dwyer seconded the motion. Motion passed 3-0.

Action on Proposed Ordinance; Annette Atkinson made a motion to adopt Ordinance No. 220 as amended. Mike Dwyer seconded the motion. Motion passed 3-0.

Action on Proposed Resolution; Annette Atkinson made a motion to approve Resolution 04-2018-1 pursuant to Ordinance No. 220. Mike Dwyer seconded the motion. Motion passed 3-0.

### **Treasurer's Report**

Mike Dwyer reported that the township continues to be financially responsible.

Mike Dwyer made a motion to approve the general fund payables in the amount of \$114,427.73. Mark Oney seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the sewer fund payables in the amount of \$246,847.55. Annette Atkinson seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the golf course payables in the amount of \$33,369.84. Mark Oney seconded the motion. Motion passed 3-0.

### **Solicitors Report**

None

### **Engineers Report**

Meglino Landscaping & Excavating, LLC; Preliminary/Final Land Development Plan; Deanna Schmoyer, P.E. presented the preliminary/final land development plan for the applicant. Ro

Fred Courtright stated that his review letter offered comments and recommendations. He stated that based on a site inspection done today, he would like to modify his prior recommendation to grant a modification request as to the required street trees. Since he made his initial recommendation, the property owner removed all the vegetation along the parcel was removed. As a result, he recommended the modification now be denied. therefore one deciduous street tree is required for every 50 feet of length of street right of way.

Deanna Schmoyer stated that as part of the conditional approval of the planning commission was to meet the township engineer's comments. She stated that the Supervisors must approve for the applicant to use the existing gravel driveway as the ordinance requires it to be paved. After further discussion, the Supervisors agreed to permit the applicant to use gravel and not be required to pave

There are no new site improvements.

Mr. Courtright stated that a landscaping plan should be presented to the supervisors for approval.

Attorney Gaul stated that that the applicant should be required to install the landscaping improvements before the Plan is signed, or to sign an Improvements Agreement with suitable financial security. .

Action on the Modification Requests; (1) Mark Oney made a motion granting the modification request to not require open space or in lieu fees as no new improvements are being proposed. Annette Atkinson seconded the motion. Motion passed 3-0.

Mark Oney made a motion to deny the modification request to not require the applicant to plant trees every 50 feet of length of street right of way. Annette Atkinson seconded the motion. Motion passed 3-0.

Mark Oney made a motion to approve the Meglino Landscaping & Excavating, LLC; Preliminary/Final Land Development Plan subject to the following conditions;

1. Allow the existing gravel to remain
2. Payment of any outstanding township fees
3. Provide a landscaping plan for approval, with a covenant added to the plan that the applicant is to maintain the required landscaping, and replace any that dies within an eighteen month period after initial Township inspection.
4. Landscaping trees are to be installed prior to the signing of the plan, or the applicant is to execute an Improvements Agreement and provide suitable final security for the improvements.

Annette Atkinson seconded the motion. Motion passed 3-0.

Lake of the Pines Maintenance Building Land Development Plan;

Supervisor Mike Dwyer recused himself from the Lake of the Pines Maintenance Building Land Development Plan discussions and vote, as he is a member of the Lake of the Pines Community Association (“Association”). .

Deanna Schmoyer, P.E. presented the land development plan for the applicant Association. Rob McLaughlin, the Association’s Property Manager, was also in attendance.

Deanna Schmoyer, P.E. stated that the township engineer’s comments have been addressed.

Work continues in order to consolidate the six lots. Frank Smith, Jr., P.L.S., is working on the boundaries. Attorney Gaul stated that he would like the title of the plan to read Lake of the Pines Maintenance Building Lot Consolidation and Land Development Plan.

Attorney Gaul stated that several references to notes on plans should be changed to covenants, and any pages with covenants needed to be recorded.

Request for Modification of Regulations was discussed at length. Mark Oney made a motion granting the revised modification request to Section 160-11(B)(2), providing that the drain time

should be not less than a minimum of 24hrs, as established by follow-up testing. Annette Atkinson seconded the motion. Motion passed 2-0.

Mark Oney made a motion to approve the plan based on the following conditions;

1. Title of the plan be changed
2. References to notes to be changed to covenants as required by the Township Engineer or Solicitor and any pages containing covenants to be recorded
3. Enter into a Developers Agreement and Stormwater Management Agreement
4. Provided satisfactory financial security for required improvements
5. Consolidation of the lots, with information on the plan sufficient to ascertain the new description. A pro forma deed of the consolidated lot is to submitted for approval, and recorded simultaneously with the recording of the plan.
6. Payment of any outstanding fees
7. Satisfactory approval from the zoning officer regarding the preservation of the trees and shrubs

Annette Atkinson seconded the motion. Motion passed 2-0.

#### **Old Business**

None

#### **New Business**

Fee Waiver Request; Whispering Pines Banquet Hall Rental for Bushkill Outreach; Annette Atkinson made a motion to approve the fee waiver request for the amount of \$125 submitted by Bushkill Outreach to use the Whispering Pines Banquet Hall on October 1, 2018. Mark Oney seconded the motion. Motion passed 3-0.

Appoint Nick Dennis and Rick Porvaznik as Deputy Emergency Management Coordinator(s) for Middle Smithfield Township; Mark Oney made a motion to appoint Nick Dennis and Rick Porvaznik as Deputy Emergency Management Coordinators for Middle Smithfield Township. Mike Dwyer seconded the motion. Motion passed 3-0.

Reaffirm Authorizing the Zoning Officer to File a Civil Complaint against Property Owner of 5159 Milford Road, East Stroudsburg PA 18302; PIN 09733301450853| Mark Oney made a motion to reaffirm authorization that the zoning officer file a civil complaint against the property owners of 5159 Milford Road, East Stroudsburg PA 18302. Annette Atkinson seconded the motion. Motion passed 3-0.

Frank Primrose Letter of Resignation from the Zoning Hearing Board; Mark Oney made a motion to accept Frank Primrose letter of resignation from the Middle Smithfield Township Zoning Hearing Board. Annette Atkinson seconded the motion. Motion passed 3-0.

Cedarville Engineering Group, LLC; Grant Consultation Services; Annette Atkinson made a motion to approve the proposal for services from Cedarville Engineering Group, LLC, dated April

25, 2018, for grant consultation services in the total contract price amount of \$16,240. Mike Dwyer seconded the motion. Motion passed 3-0.

East Stroudsburg Softball Little League; A request to waive the township zoning and building fees for two sheds that will be used at the Resica ball field for concession and equipment was received. Mike Dwyer made a motion to grant the request to waive all zoning and building fees for the two sheds that will be located at the Resica ball field. Annette Atkinson seconded the motion. Motion passed 3-0.

**Public Comment**

David Fuer of Great Bear asked about the concrete slab that is located near the mailboxes in Great Bear. Fred Courtright explained the history and advised that Mr. Fuer contact Shawn McGlynn in the zoning/building department for an opinion.

Tim Rohner thanked the supervisors for their support and check donation to Bushkill Volunteer Fire Company.

Shawnee Fire Department also thanked the supervisors for their support.

**Adjournment**

Mike Dwyer made a motion to adjourn the meeting at 8:12pm. Mark Oney seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell,  
Township Secretary  
April 26, 2018

**General fund**

Date	Num	Name	Memo	Credit
04/13/2018	16262	Bushkill Fire Co.	thermal imaging camera	8,214.00
04/20/2018	16263	District Court 43-4-01	re: 5159 Milford Rd	151.25
04/20/2018	16264	447 Cornerstone Products, Inc	inv 2041 techo-roka 48'	98.00
04/20/2018	16265	AFLAC	inv 249855 a/c y2051	384.26
04/20/2018	16266	Alura Business Solutions LLC	invs 29959 / 30145 computer r & m	3,366.54
04/20/2018	16267	Amazon	inv 553944957968 grabbers	295.80
04/20/2018	16268	American United Life Insurance Company	policy G 0061299-0000-000 life insurance	1,683.21
04/20/2018	16269	Dana Francis	mileage reimbursements	62.64
04/20/2018	16270	Danielle Austen	guest speaker Pocono Photo Club	150.00

04/20/2018	16271	Hendershot Door Systems, Inc	inv 48863 install rollers	365.00
04/20/2018	16272	Holly Freese.	mileage seminar	43.03
04/20/2018	16273	Huffmans' Electric	inv 9651 main garage & office	7,444.26
04/20/2018	16274	King, Spry, Herman, Freund & Paul LLC	invs 126547-126561 legal fees	18,259.50
04/20/2018	16275	PA Municipal Health Insurance Cooperative	10207571-72 health insurance	45,609.58
04/20/2018	16276	PAPCO	inv 2400344 propane	1,004.48
04/20/2018	16277	Pennsylvania American Water	1024-220008909318 bark park	123.01
04/20/2018	16278	Penteledata	inv b3235434 email boxes	291.84
04/20/2018	16279	Pocono Profoods	inv 1005795 supplies	368.80
04/20/2018	16280	Staples Advantage	inv 8049538906 ofice supplies	222.08
04/20/2018	16281	Sun Litho Print	inv 41398 spring newsletter	7,535.00
04/20/2018	16282	Tulpehocken Spring Water	a/c 13876 water	69.83
04/20/2018	16283	UTRS, Inc	inv 75942 copies	11.90
04/20/2018	16284	Verizon	570223050340643y	636.52
04/20/2018	16285	Warehouse Battery Outlet, Inc	inv 385519 batteries	157.80
04/20/2018	16286	Met Ed	100059550028 Echo Lake	34.26
04/20/2018	16287	Met Ed	100069220836 River Rd light	22.19
04/20/2018	16288	Met Ed	100073577916 Sellersville light	37.07
04/20/2018	16289	Met Ed	100124280825 Oak Grove Light	33.52
04/20/2018	16290	Met Ed	100016951467 bldg A	723.71
04/20/2018	16291	Met Ed	100036091245 bldg B	808.81
04/20/2018	16292	Met Ed	100016915751 Municipal light	19.84
04/20/2018	16293	Enviromental Resources Associates	inv 2018-1 Act 101 grant work	1,000.00
04/20/2018	16294	Leroy Lewis	contracted maintenance- dog park Invoice 4/23/18- Library/Culteral Center	200.00
04/26/2018	16295	Sedler Design & Redevelopment LLC		15,000.00
				<u>114,427.73</u>

## Sewer fund

Date	Num	Name	Memo	Amount
04/20/2018	12749	Cedarville Engineering Group. LLC		3,980.00
04/26/2018	12750	B. Newhart & Sons, Inc.	041418 Payment #5 Equalization Tank Replacement	330.00
04/26/2018	12751	Blooming Glen Contractors		55,302.78
04/26/2018	12752	COYNE CHEMICAL	286678	2,820.00
04/26/2018	12753	Evoqua Water Technologies	903508770	3,616.08
04/26/2018	12754	Graymont Capital Inc.	387657	6,072.00
04/26/2018	12755	PENNSYLVANIA AMERICAN WATER	1024-210031497597	16.53
04/26/2018	12756	Pioneer Constructions Co.	Payment #1 Frutchey Road Sewer Project	108,956.26
04/26/2018	12757	PROSSER LABORATORIES, INC.		44,385.39
04/26/2018	12758	Xylem Water Solutions		12,401.62
04/26/2018	12759	VERIZON	570588028984296Y - PS#4 Maple Ln	34.79
04/26/2018	12760	VERIZON	570588074284385Y - PS#3 MCCole & 209	34.79
04/26/2018	12761	VERIZON	570588075284434Y - PS#7 McCole & NP	34.79

04/26/2018	12762	VERIZON	570223102484027Y - PS#6 Sellersville	37.76
04/26/2018	12763	VERIZON	570223102584198Y - PS#5 209/Municipal	38.38
04/26/2018	12764	VERIZON	570588113413383Y - PS#8 LOTP	34.79
04/26/2018	12765	VERIZON	570588113513455Y - PS#2 Fairway Villas	35.36
04/26/2018	12766	VERIZON	570588658114420Y - WL Mtn Pass	46.04
04/26/2018	12767	VERIZON	570223737828754Y - Rt 209	207.47
04/26/2018	12768	VERIZON	570588764629956Y - Main STP	79.38
04/26/2018	12769	VERIZON	570223818989863Y - PS#9 Oak Grove	39.49
04/26/2018	12770	MET-ED	100016914275 - PS#5 209/Municipal	349.43
04/26/2018	12771	MET-ED	100018446334 - PS#3 McCole & 209	61.06
04/26/2018	12772	MET-ED	100018440378 - PS#4 Maple Ln	298.11
04/26/2018	12773	MET-ED	100016867432 - PS#8 LOTP	197.23
04/26/2018	12774	MET-ED	100018442556 - PS#7 McCole & NP	192.32
04/26/2018	12775	MET-ED	100081035618 - Lift Station	24.92
04/26/2018	12776	MET-ED	100083606630 PS#9 Oak Grove	183.65
04/26/2018	12777	MET-ED	100018448652 Main STP	4,873.65
04/26/2018	12778	MET-ED	100089058661 Rt 209	21.24
04/26/2018	12779	MET-ED	100016629691 - Sleepy Hollow Fairway	286.81
04/26/2018	12780	MET-ED	100076523768 - WI Mtn Pass	976.73
04/26/2018	12781	MET-ED	100080913799 - Off Sleepy Hollow	159.69
04/26/2018	12782	MET-ED	100044877809 WL Clubhouse Dr	29.90
04/26/2018	12783	MET-ED	100080916826 - PS#2 Fairway Villas	21.19
04/26/2018	12784	MET-ED	100080920901 - Tree Tops	190.02
04/26/2018	12785	MET-ED	100018353951 - PS#6 Sellersville	477.90
				<u>246,847.55</u>

### Golf fund

Date	Num	Name	Memo	Amount
04/20/2018	60510	Golf Car Specialties, LLC	invs si116785 / 116789 cart lease	(16,598.00)
04/20/2018	60511	Merchants Insurance Group	Acct # A000231670 comm. package & umbrella	(14,954.00)
04/20/2018	60512	Turf Equipment & Supply Co.	ins	
04/20/2018	60512		inv 1001577-00 tires	(254.07)
04/20/2018	60513	Verizon	570223814063192y	(109.81)
04/20/2018	60514	Met-Ed	100104048101 pump house doral crt	(21.02)
04/20/2018	60515	Met-Ed	100081748855 pump house tomx rd	(161.53)
04/20/2018	60516	Met-Ed	100081748863 maint bldg	(267.56)
04/20/2018	60517	Met-Ed	100081784231 big ridge	(33.71)
04/20/2018	60518	Met-Ed	100085171773 guard shack	(100.47)
04/20/2018	60519	Met-Ed	100081748848 Clubhouse	(869.67)
				<u>(33,369.84)</u>