

**MIDDLE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS
MAY 28, 2020 7:00 P.M. - MEETING MINUTES**

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Thursday, May 28, 2020 at 7:00 pm, via video and audio advanced communication technology (“ACT”), using the ZOOM internet application, due to the national COVID-19 pandemic emergency, with Annette Atkinson presiding. All members of the Board of Supervisors could hear each other, and be heard by the others.

On March 6, 2020, the Governor of the Commonwealth of Pennsylvania first issued a Proclamation of Disaster Emergency in response to the Coronavirus 2019 Disease (“COVID – 19”) outbreak. On March 19, 2020, the Governor signed the Order of The Closure of All Businesses That Are Not Life Sustaining due to the COVID – 19. On March 23, 2020, the Order was amended, and a Stay at Home Order was issued. On March 18, 2020, the Middle Smithfield Township Board of Supervisors issued a Township Declaration of Disaster Emergency in response to the COVID-19 outbreak.

In order for the Middle Smithfield to continue day to day operations, the Township offices and other township buildings are closed to the public, unless an appointment is made. The Supervisors made this decision in the best interest of the public, visitors and staff, in order to protect their health and safety during the declared emergency disaster.

Board of Supervisors present for the meeting, via ACT: Anette Atkinson, Mike Dwyer and Mark Oney. Other attendees via ACT were Township Solicitor Michael Gaul, Esq, Township Engineer Ben Kutz, P.E., Township Secretary Michele Clewell, Township EMC Kevin Dixon, plan presenters, Anthony Maula, Sal Ciazziato, P.E. and one township resident, Jim Devlin.

A Public Notice was posted in the Pocono Record on May 27, 20220 and on the township’s website, www.middlesmtihfielddtownship.com, and Facebook page that anyone interested in participating in the public meeting to email the Township Secretary mclewell@mstownship.com and a Zoom meeting link or teleconference phone number would be provided to them.

Call Meeting to Order

Pledge of Allegiance

Approval of Agenda

Annette Atkinson made a motion to approve the agenda. Mike Dwyer seconded the motion. Motion passed 3-0.

Approval of Minutes

Annette Atkinson made a motion to approve the May 14, 2020. 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.

Announcements

COVID-19 Update; Kevin Dixon reported that state has about 70k cases with Monroe County at 1311 positive cases. There are 166 cases within the 18302 zip code. Monroe County enters the "Yellow" phase tomorrow with restaurants permitted to do outdoor dining on June 5th.

Golf Course Update: The number of rounds booked through the end of month, exceeded this time last month by one round.

Cultural Center/Library Update; Mike Dwyer stated that a construction meeting was held this week and all the trades are progressing well. The exterior of the building is coming along and should be completed by early next week. The focus is on the library side. The construction on the fire place is coming along. Anticipate full completion date of July 1 for the library with the entire building being completed by August 1st. Attorney Gaul asked if the project is still within budget. Mike Dwyer stated there were unexpected DEP requirements due to the complex water system within the basement; at a cost of over 125k that was not anticipated. We have not added scope and neither has the library. Although not significant, a washer and dryer were added in the emergency shelter portion of the building. Mr. Dwyer projected that we will be within 3-5% of where we started, minus the DEP requirements.

Election Day June 2nd; Michele Clewell reported that the election polls open at 7am-8pm. The township building will be ready for the election.

Correspondence

None

Bid Opening & Possible Award

FOB Superpave; Only one bid was received, which was from Eureka. Mike Dwyer made a motion to award the contract to Eureka subject to providing any bonds, insurance and the Solicitor's review. Mark Oney seconded the motion. Annette Atkinson asked if the price is higher than last year. Mike Dwyer stated that the prices appear to be 5% more than last year, but he would need to review last year's information to know for certain the difference in pricing. Motion passed 3-0.

Seal Coat; Mike Dwyer made a motion to accept the three bids received, and award to AMS Asphalt Maintenance Solutions being the low bidder, subject to providing any bonds, insurance and Township Solicitor review. Mark Oney seconded the motion. Motion passed 3-0.

A copy of the bid tabulation for the above subject matter will be attached and made part of the official minutes.

Treasurer's Report

Mike Dwyer stated that the township remains in good financial health.

Payables

Mike Dwyer made a motion to approve the General Fund payables in the amount of \$56,639.76. Mark Oney seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the Sewer Fund payables in the amount of \$35,761.53. Annette Atkinson seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the Golf Fund payables in the amount of \$5,977.55. Mark Oney seconded the motion. Motion passed 3-0.

Mike Dyer made a motion to approve the Cultural Center / Library Fund payables in the amount of \$205,096.00. Annette Atkinson seconded the motion. Motion passed 3-0.

Solicitors Report

Attorney Gaul stated that, as a result of the Board of Supervisors' resolve to oppose Jinyin Temple's appeal of the denial of the tax exemption of its real property, Jinyin withdrew their tax appeal and has begun making payments on their taxes in arrears.

Engineers Report

None

Old Business

None

New Business

Transfer of Township water pipe/sleeve to Mt Nebo Apartments, LLC, subject to subsequent transfer to PA American Water, a public utility; Attorney Gaul stated that there was a conference call where outstanding issues were addressed with the developer, township and PA American Water.

Attorney Gaul stated that there is no documentation yet to authorize the transfer of the water pipe sleeve in Rt 209 to Mt. Nebo apartments and then to PA American Water. He stated that the documentation is subject to review by the Township Solicitor. There was discussion that whatever costs are incurred by the Township, that those costs be reimbursed by the developer. Sal Ciaziao stated that Anthony Maula is requesting the Township Solicitor to prepare the transfer documents.

The water pipe sleeve has no value to the Township, and ultimately will be dedicated to PA American, a public utility, which is permissible under the Second Class Township Code. The water pipe sleeve is being transferred to the developer first at the request of PA American, in

order to eliminate the need for PUC review of the transfer.

Annette Atkinson made a motion authorizing the transfer of the township water pipe/sleeve to Mt. Nebo Apartment, LLC, subject to subsequent transfer to PA American Water, a public utility, and documentation satisfactory to the Township Solicitor. Mike Dwyer seconded the motion. Motion passed 3-0.

Mike Dwyer stated that he has no issues with the transfer but asked Sal Ciazziario if this creates any value for Anthony Maula that he could trade off for with PA American Water, LLC. Mr. Ciazziario said no.

Authorize the transfer of the HOP permit for the Water Pipe Sleeve to PA American Water, LLC:
Annette Atkinson made a motion authorizing the transfer of the HOP permit for the water pipe sleeve to PA American Water, LLC. Mike Dwyer seconded the motion. Mr. Dwyer inquired as to the purpose of the Township transferring the HOP to PA American Water Co. Attorney Gaul stated that that the HOP permit acts like an easement agreement for the pipe and confirms the pipe is allowed to be there, and authorizes PA American Water Co. to maintain it. Mike Dwyer asked if they are going to reimburse the township for it. Attorney Gaul said we could ask for the HOP and the pipe costs. He also said if the Township doesn't cooperate, then Mt. Nebo Apartments would have to do their own. Sal Ciazziario stated that PA American would throw that cost to Anthony Maula.

Motion passed 3-0.

Attorney Gaul explained that a draft resolution was sent to Sal Ciazziario outlining the list of conditions the land development plan received by the Board of Supervisors from a prior meeting, but was removed from the agenda as he did not hear back from him or Anthony Mula. Sal Ciazziario stated that he and Anthony wanted to discuss the Resolution and to pare down the list as only (4) conditions are still outstanding. Attorney Gaul stated that it will be ready for the Supervisors June 11th meeting.

Annette Atkinson asked about ground breaking ceremony. Mr. Ciazziario said they hope to start ground breaking around July 4th with Northeast Site Contractors doing the work.

Selection of marketing and sale consultant for sale of Township real property, including Township Golf Course; authorization of written agreement with selected consultant; Annette Atkinson stated that the Township advertised for Request For Proposals ("RFP") for realtors and how they would go about selling the township property. The Supervisors and Solicitor reviewed the RFP's and selected 5 realtors to meet with them: CBRE, Colliers International, Chant Realty, Alt Realty and KW Commercial. It was difficult and very competitive. The BOS selected CBRE Hotels, they are the best choice.

Ms. Atkinson stated that the CBRE proposal provides for a 10% commission for selling the property, 2.5% co broker agreement and, to start with, a marketing agreement with a \$30-35k

budget, paid for by the Township. The township did negotiate CBRE down from a minimum fee of \$300k and were able to eliminate that, and they were going to give only a 1% co brokerage fee, but the township worked this out with them as well.

Annette Atkinson made a motion to select CBRE, Inc. to be the Townships consulting company in the marketing and sale of the Township real property with a 10% commission and 2.5% co broker agreement, and up to \$35,000 fee for marketing the property; as well as authorize the Township to enter into a listing agreement with them, consistent with the Township's RFP as well as requiring CBRE Inc., to respond with their refinements of terms, subject to the Township Solicitors review. Mike Dwyer seconded the motion. Motion passed 3-0.

Resolution 05-2020-1; Disposition of Certain Records; Annette Atkinson made a motion to approve Resolution 05-2020-1. Mark Oney seconded the motion. Motion passed 3-0.

Public Comment

Jim Devlin thanked the Supervisors and Michele Clewell for taking advantage of the technology by allowing residents to join the meeting even if not in person. He said he has been using Zoom in his everyday life and very happy that we are doing it for the constituents.

Mike Dwyer stated that the "no touch" Spring Clean Up lean is going very well. The people are very understanding with the no touch and everyone must dispose of their own junk. It's a Success!! There have been about 150 vehicles in 2 days; totaling 5 dumpsters so far. Prices are about \$1,000 for one dumpster. 3-4 years ago it was around \$700.

Mike Dwyer reported that Green Light Go grant has been red lighted by Penn Dot, as they are not proceeding with the applications to move past the design phase. The idea was to synchronize the lights from Route 80 to Bushkill. This was an intermunicipal participation with Smithfield, Pocono, MST and Stroud Townships.

Attorney Gaul stated that the Dollar General's Improvements Agreement and Storm Water Management Agreement require action by the Board of Supervisors. Annette Atkinson made a motion to approve the Dollar Generals Improvements Agreement and Stormwater Agreement subject to the Township Solicitors approval. Mike Dwyer seconded the motion. Motion passed 3-0.

Adjournment

Annette Atkinson made a motion to adjourn the meeting at 8:03pm. Mark Oney seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell
Township Secretary

May 28, 2020

General Fund

Num	Name	Memo	Credit
70512808	Met Ed	100126688959 Dancing Ridge	34.35
18520	Alura Business Solutions LLC	invs 35605,733,778,805 computer re- pairs	1,812.84
18521	Amazon	a/c 6045787810579207 office supplies	223.78
18522	American United Life Insurance Com- pany	G00612999	2,264.15
18523	Asphalt Maintenance Solutions	inv 4805 equip rental	1,341.25
18524	Cleveland Brothers	inv inpp3762497 parts	539.22
18525	Commonwealth Equipment	inv 40777 roller	352.47
18526	E.M. Kutz	inv 311256 parts	133.23
18527	Eastern Alarm Systems	invs 051181,182,183,231 alarms	320.96
18528	Five Star Equipment	invs P81297,P81487 less credit memo	381.54
18529	Francis C. Disalvo	inv 05142069836 parts	451.35
18530	Frank J. Smith Jr., Inc	inv 20035 Diss Way	325.00
18531	Holly Freese.	reimburse for mileage	34.20
18532	Huffmans' Electric	ambulance bldg lights	700.00
18533	King Kong Tools	inv 2020-80443 parts for Beast	1,200.80
18534	King, Spry, Herman, Freund & Paul LLC	invs 147756-17764 legal fees	7,073.50
18535	Ott Consulting Inc	SEO May 1 invoices	984.00
18536	PAPCO	invs 2966980,984 gas	2,443.88
18537	Penteledata	inv B3689956 email boxes	291.84
18538	Pocono Record	inv 227036 public notices	172.24
18539	RICOH USA, Inc.	1309321-1021529A1	334.99
18540	Scandale Associated Builders & Engi- neers	Lobby renovations appl #1	28,874.70
18541	Sheeley Insurance	inv 1175 cyber liability	3,070.00
18542	Staples Advantage	invs 8058441124,8058511271 office supplies	129.61
18543	Sun Litho Print	inv 43756 envelopes	258.00
18544	Verizon	570-223-0503	371.39
18545	Verizon Wireless	inv 9854888989 cell phones	260.40
18546	Warnick Welding & Fabrication	inv 451 welding	1,725.19
18547	Waste Management	inv 345243802039 dumpsters	534.88
			<u>56,639.76</u>

Sewer Fund

Num	Name	Memo	Credit
14008	COYNE CHEMICAL	336152	3,525.00
14009	Eastern Alarm Systems, Inc.		228.00
14010	Evoqua Water Technologies	904447745	3,633.60

14011	PROSSER LABORATORIES, INC.	April	26,941.50
14012	MET-ED	100016914275 PS#5 Municipal/ Rt 209	321.09
14013	MET-ED	100018446334 - PS#3 McCole & 209	75.58
14014	MET-ED	100016867432 PS#8 LOTP	181.48
14015	MET-ED	100083606630 PS#9 Oak Grove	104.34
14016	MET-ED	100044877809 - WL Clubhouse Dr	25.04
14017	MET-ED	100018353951 PS#6 Sellersville	278.58
14018	VERIZON	450-733-757-0001-47 PS#4 Maple Ln	35.92
14019	VERIZON	450-733-758-0001-20 PS#3 McCole & 209	35.92
14020	VERIZON	250-733-759-0001-47 PS#7 McCole & NP	35.92
14021	VERIZON	250-395-051-0001-57 PS#6 Sellersville	38.91
14022	VERIZON	450-395-051-0001-14 PS# 5 Municipal & 209	39.97
14023	VERIZON	250-733-760-0001-28 PS#8 LOTP	35.92
14024	VERIZON	450-733-760-0001-83 PS#2 Fairway Villas	35.92
14025	VERIZON	450-733-769-0001-92 WL Mtn Pass	34.05
14026	VERIZON	350-733-772-0001-56 Main STP	75.40
14027	VERIZON	250-395-181-0001-01 PS#9 Oak Grove	40.48
14028	VERIZON	250-395-204-0001-04 PS#10 Big Ridge Dr	38.91
			<u>35,761.53</u>

Golf Fund

Date	Num	Name	Memo	Amount
05/26/2020	61285	Banko Beverage	beer	(282.65)
05/26/2020	61286	LT Verrastro Beverage	beer	(444.25)
05/28/2020	61287	Cintas Corporation	inv 4050375048 cleaning	(140.10)
05/28/2020	61288	Eastern Alarm Systems, Inc.	invs 015136,37,38 alarms	(417.00)
05/28/2020	61289	Ecolab	inv 6255499350 cleaning supplies	(10.78)
05/28/2020	61290	Genesis Turfgrass Inc.	inv 975239 seed	(868.00)
05/28/2020	61291	Golf Car Specialties, LLC	inv si145874 parts	(1,099.17)
05/28/2020	61292	Herr Foods Inc	inv 8168114 cm8168113 snacks	(33.22)
05/28/2020	61293	Huffman's Electric	inv 10682 sprinkler repairs	(125.00)
05/28/2020	61294	Pepsi-Cola	inv 00573156 soda	(322.03)
05/28/2020	61295	Precision Small Engine Co., Inc	inv 606758 fuel pump	(103.66)
05/28/2020	61296	Renee Koontz	pressure washer	(500.00)
05/28/2020	61297	Roy's Steiner Sales & Service, Inc	inv 10077 parts	(47.20)
05/28/2020	61298	Steckel Publications, Inc.	inv 27653 ad	(375.00)
05/28/2020	61299	Turf Equipment & Supply Co.	invs 1071897-00,-01 parts	(407.95)
05/28/2020	61300	Verizon	570-223-8140	(53.30)
05/28/2020	61301	Waste Management	inv 345356302033 maint bldg	(313.29)
05/28/2020	61302	Waste Management	inv 345356202035 clubhouse	(434.95)
				<u>(5,977.55)</u>

Cultural Center/Library

Date	Num	Name	Memo	Credit
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05/28/2020	10054	Cedarville Engineering Group, LLC	inv 10769 electric vehicle charging stations	620.00
05/28/2020	10055	Scandale Associated Builders & Engineers	application #9 library construction	68,648.90
05/28/2020	10056	Wind Gap Electric, Inc	application #7 library construction	91,643.70
05/28/2020	10057	Eastern Alarm Systems	inv 015230 deposit for Library system	5,000.00
05/28/2020	10058	Marx Sheet Metal & Mechanical Inc	application #9 library construction	<u>39,183.40</u>
				205,096.00