



MIDDLE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS  
AUGUST 13, 2020 MINUTES

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Thursday, August 13, 2020 at 7pm at the Township's Whispering Pines Banquet Hall facility located at 1445 Big Ride Drive, East Stroudsburg PA 18302.

The State and Township continue to operate under emergency procedures due to the COVID-19 pandemic. While the Board of Supervisors has held virtual meetings during the pandemic, the Board decided to hold this regular meeting in-person at the Township's Whispering Pines facility due to public interest in the Board's decision on the West Winds Conditional Use Application.

Board of Supervisors present: Anette Atkinson, Mike Dwyer and Mark Oney. Township. Township Solicitor Michael Gaul, Esq, Township Engineer Christopher McDermott, P.E., Township Secretary Michele Clewell, and Stenographer Donna Kenderdine were also in attendance, as well as, Deanna Schmoyer, and P.E. Jeff Durney, Esq. on behalf of West Winds, Inc, members of the public, including Mike & Jill Sweeney, Menachem Lipkind and Ken Koberleine, and a member of the press.

The meeting was called to order with the pledge of allegiance.

**Approval of Agenda**

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

**Approval of Minutes**

Annette Atkinson made a motion to approve the July 23, 2020 minutes. Mike Dwyer seconded the motion. Motion passed 3-0.

**Report of Executive Session(s)**

None

**Conditional Use Decision**

Mike Dwyer made a motion to reconvene the Winds West, Inc. public hearing. Mark Oney seconded the motion. Motion passed 3-0.

Donna Kenderdine took a stenographic record.

Solicitor Gaul stated that at the direction of the Board of Supervisors, a draft Decision has been prepared and circulated to them. The draft decision approves the conditional use application, and attaches conditions, which were read out loud by Solicitor Gaul.

Annette Atkinson made a motion to approve the Decision written. Mike Dwyer seconded the motion.

The proposed decision was shared with Ms. Schmoyer and Attorney Durney for their comments.

Township Engineer Chris McDermott stated that his understanding was that the required evergreen landscaping would be around the project area, and not the perimeter, so as to keep the natural buffering in the rear of the property, along the boundary with the residential neighborhood.

Attorney Durney asked for clarification with respect to condition #8. Annette Atkinson stated that the intent is to not have a big flat building, but to break it up by using different types of material on the outside of the building, in order to avoid a warehouse appearance. She stated that the Board wanted to memorialize that requirement now, so that West Winds' subsequent land development application is consistent with that expectation. Attorney Durney and Deanna Schmoyer both stated they did not think this would be problematic.

Ms. Schmoyer asked for clarification, on the fence condition. Annette Atkinson stated that the Board does not want a white plastic fence, but a black iron fence with, evergreen shrubs would look better.

Solicitor Gaul stated that after discussing with Chris McDermott, the draft decision will be amended for condition #5, to say "evergreen around the whole project area", instead of "the property line".

Mr. Lipkind asked about electronic signs. It was stated that those items will be addressed under the SALDO and Zoning review. He also stated that the building needs to be physically appealing and this is a good asset to the community.

The motion passed 3-0 to approve the revised Order for the Winds West, Inc. Conditional Use Application.

Solicitor Gaul stated that the Order will be revised tomorrow.

Annette Atkinson read into the record how long this commercial property was for sale and that Pond Creek and CCP residents have driven by the property for sale sign. The property will eventually be developed. It will never stay undeveloped and vacant and since it has always been zoned commercial, permitted uses would have been a hotel/motel with 24/7 access, bars, restaurants, small strip mall, light manufacturing a warehouse or several other permitted uses, more intense than the one West Winds proposes to develop. It's in everyone's best interest to work with residents and people that want to develop and work in collaboration with each other.

Annette Atkinson made a motion to close the public hearing at 7:27pm. Mike Dwyer seconded the motion. Motion passed 3-0.

### **Announcements**

The US Census is still underway and everyone must be counted.

The Monroe County Commissioners have sent out a broadband survey and encourage everyone to go online and take this brief survey.

The Marshalls Creek and Shawnee Fire Companies golf outings have been scheduled and anyone interested can pick up a registration form at the township office.

### **Correspondence**

None

### **Committee & Department Reports**

The reports are available on the township website [www.middlestihfieldtownship.com](http://www.middlestihfieldtownship.com) in their entirety.

### **Treasurer's Report**

Mike Dwyer stated that the sewer debt of 2.3 million was refinanced with a new Bond issue that will provide a \$412k savings over 20 years; this is almost a doubling in the originally anticipated savings of \$250k saving by the time the Bond went to market.

Mr. Dwyer stated that we have felt the effects of COVID 19 with the decrease in income of over 10% year to date. The Township has the funds in reserve to cover any shortfall of tax revenue, and will not be taking on any more large debt, or a tax anticipation note. We have been very conservative.

### **Payables**

Mike Dwyer made a motion to approve the general fund payables in the amount of \$117,584.14. Mark Oney seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the sewer fund payables in the amount of \$85,674.95. Annette Atkinson seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the golf course payables in the amount of \$17,479.28. Mark Oney seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the liquid fuels payables in the amount of \$101,548.12. Annette Atkinson seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the Sellersville liquid fuels payables in the amount of \$8,214.95. Mark Oney seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the cultural center/library payables in the amount of \$150,707.43. Annette Atkinson seconded the motion. Motion passed 3-0.

Mr. Dwyer also stated that Monroe County COVID-19 Grant has been applied for. The maximum grant is \$50k per township. This is federal money given to the counties for COVID related expenses. Middle Smithfield expenses related to COVID are \$12.5k and we anticipated ending of year with another \$8.5k. Since we did see a decrease in EIT (Earned Income Taxes), we applied for the maximum 50K, and also put in for \$10k for the Marshalls Creek Fire Company, and up to \$10k for Bushkill Fire Company, because they serve the townships; since Bushill is in Pike County, they could not apply for the Monroe County grant. The fire companies can also apply for COVID related expense and loss of income due to not holding their charity events. Encouragement is what is coming out of the commissioner office. Solicitor Gaul asked about difference in local earned income tax collection from this time last year. Mike Dwyer stated that real estate tax revenue is down about 8% and EIT is down about 12% for Middle Smithfield Township, to date.

#### **Solicitors Report**

None

#### **Engineers Report**

Chris McDermott stated that the traffic signal inspection has been completed and a written report will be sent to Mr. Dwyer.

#### **Old Business**

CardConnect, LLC. Merchant Services Agreement for MST Sewer Department; Annette Atkinson made a motion to accept the contract as presented by CardConnect, LLC. Mike Dwyer seconded the motion. Motion passed 3-0.

Auto Zone Store No. 6787 Bond Release Request; Annette Atkinson made a motion to table the request to release the Bond until we received the “as built” plans for the building. Mr. McDermott stated that his office did the inspection and identified that the “as built” plan has not been submitted.

After further discussion, Annette Atkinson withdrew her previous motion and made a motion to deny the request until Auto Zone provides the required plan. Mike Dwyer seconded the motion. Motion passed 3-0. Mr. McDermott will forward his letter to the township secretary to include with the correspondence that their request is denied.

#### **New Business**

Memorandum of Understanding between Stroud Region Open Space and Recreation Commission and Middle Smithfield Township; Annette Atkinson made a motion to approve the MOU between Stroud Region Open Space and Recreation Commission and Middle Smithfield Township, which allows Middle Smithfield residents to use Dansbury Pool. Mike Dwyer seconded the motion. Motion passed 3-0

Mr. Lipkind asked what they get, for the Township getting the pool passes. Annette Atkinson explained that our residents can use their pool after we verify they are a resident, they purchase a resident pool pass and we pay the difference between the resident and non-resident price. Mike Sweeney asked if it's effective immediately, Ms. Atkinson said, yes, as of July 31<sup>st</sup>. Ten residents have sign up for the pool passes to date.

Request from the Zoning Officer to File a Civil Complaint Against PIN 09731504730567 (1143 Marshalls Creek Road) for Failure to comply with PA Code Title 25, Environmental Protection; Mark Oney authorized the zoning office to file a civil complaint against the property owner of PIN 09731504730567. Annette Atkinson seconded the motion. Motion passed 3-0.

Resolution 08-2020-1 approving the Amended and Restated Bylaws for the Township Workers Compensation Safety Committee; Mark Oney made a motion to approve the amended bylaws. Annette Atkinson seconded the motion. Motion passed 3-0.

CCP South POA License Agreement; Mike Dwyer made a motion to approve the license agreement with CCP South POA for the temporary relocation of the POA's mailboxes to the expected new entrance off Sellersville Drive. Annette Atkinson seconded the motion. Motion passed 3-0.

Rental Fee Waiver Request for Resica Park Pavilion for Girls on the Run Pocono; Mike Dwyer made a motion to grant the rental fee waiver for the use of Resica Park Pavilion for Girls on the Run Pocono. Annette Atkinson seconded the motion. Motion passed 3-0.

Marshalls Creek Volunteer Fire Company Road Drive Fundraiser Request; Mike Dwyer made a motion to permit the MCFC to hold their road drive on September 4<sup>th</sup> and 5<sup>th</sup> and October 9<sup>th</sup> and 10<sup>th</sup>, 2020. Mark Oney seconded the motion. Motion passed 3-0.

### **Public Comment**

Mr. Lipkind stated that several weeks ago, he has noticed improvement with people stopping at the Stop sign at Sellersville Drive/Lower Lakeview and thanked the road crew for painting the stop bar on the road. He asked if it could also be done at the intersection of Lower Lakeview/Sellersville Drive. Mr. Dwyer said yes.

Mr. Lipkind commended the Township for taking ownership of the state portion of Sellersville Drive and doing the road improvements.

Mr. Lipkind discussed private contractors and traffic control with regard to flaggers. Mr. Dwyer stated that the Township cannot control who they hire to do traffic control. Solicitor Gaul stated that the Township does have a say on Township Roads and the Driveway Ordinance could be amended. Mr. McDermott stated that PennDOT requirements could be used in the township ordinance if the Board chooses. Private roads are not under the jurisdiction of the townships road ordinance.

Ken Koberleine thanked the Supervisors and the zoning office for taking action against his neighbors Short Term Rental as there has been noise problems. He stated that after August 6<sup>th</sup>, the noise stopped. They all now know what to do the next time. Solicitor Gaul stated that, under the Township Short Term Rental Ordinance, permits can be revoked if violations of the Ordinance occur repeatedly.

Mr. Lipkind asked about the noise ordinance, Mark Oney stated that some STR owners have noise monitors on their property. Solicitor Gaul stated that the Supervisors may want to revise the current ordinance to require every STR to have noise monitors on the rental property.

**Adjournment**

Annette Atkinson made a motion to adjourn the meeting at 8:08pm. Mike Dwyer seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell  
 Township Secretary  
 August 13, 2020

**General fund**

<b>Date</b>	<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Credit</b>
07/28/2020	18703	Pocono Chamber of Commerce	golf outing sponsor	125.00
07/30/2020	18704	District Court 43-4-01	Civil complaint 208 Cliff Crt	124.25
07/31/2020	wt	Intuit, Inc.	checks	393.98
08/03/2020	455802827	Pennsylvania American Water	1024-210033478776 hydrants	143.53
08/05/2020	18705	PMRS	45-027-5N admin fee	20.00
08/07/2020	72228803	Met Ed	100138495898 Echo Lake	156.47
08/10/2020	72281174	Met Ed	100069220836 River Rd light	23.38
08/10/2020	72281219	Met Ed	100114051681 Bark park	23.19
08/12/2020	72334008	Met Ed	100016951467 bldg A	480.77
08/12/2020	72334049	Met Ed	100036091245 bldg b	415.33
08/12/2020	72334103	Met Ed	100073577916 Sellersville light	37.06
08/12/2020	72334162	Met Ed	100016915751 Municipal light	29.01
08/13/2020	18706	Middle Smithfield Township 2019 GOB	2019 GOB installment	16,370.76
08/13/2020	18707	AFLAC	insurance a/c y2051	768.52
08/13/2020	18708	Alura Business Solutions LLC American United Life Insurance	inv 36215 computer repairs	712.50
08/13/2020	18709	Company	G00612999	2,867.60

08/13/2020	18710	Autozone	inv 6787959913 parts	31.94
08/13/2020	18711	Bergey's, Inc	inv ph690223r parts	272.71
08/13/2020	18712	Blue Ridge Cable	a/c 0377113-01 Woodale	62.21
08/13/2020	18713	Canfields Pet & Farm	inv 136836 straw & seed	299.00
08/13/2020	18714	Chemung Supply	inv 001566 guide rail Upper Lake	9,980.20
08/13/2020	18715	Claude S. Cyphers, Inc	invs 697173,314,580,707,906 parts	974.90
08/13/2020	18716	Cleveland Brothers	invs serv7360313,7361182, inpp3860112,3862238,3873336	2,199.22
08/13/2020	18717	Dailey Resources, LTD	inv 146996 cylinder rental	11.00
08/13/2020	18718	District Court 43-4-01	filing fees 2255 Chatham Dr.	124.25
08/13/2020	18719	Donna G. Kenderdine, RPR	inv 292-20 Winds West Inc public hearing	512.86
08/13/2020	18720	Dunkelbergers Sports Outfitter	PW20-141 trans 90481 boots	574.97
08/13/2020	18721	Fastenal Company	inv pastr105860 parts	37.10
08/13/2020	18722	Gail Benitez.	return of deposit	50.00
08/13/2020	18723	General Code, LLC	inv cms0022373 Laserfiche	961.00
08/13/2020	18724	Gotta Go Potties, Inc	inv 97545 bark park	85.00
08/13/2020	18725	Highway Equipment & Supply Co.	inv D70616 parts	20.41
08/13/2020	18726	Lawson Products, Inc.	inv 9307765590 parts	287.28
08/13/2020	18727	Leroy Lewis	contracted maintenance- dog park	200.00
08/13/2020	18728	Lewis ACE Hardware	July supplies	492.73
08/13/2020	18729	Lois Simpson Delk	refund of duplicate payment	100.00
08/13/2020	18730	Middle Smithfield Township 2012 GOB	2012 GOB General Fund installment	3,434.00
08/13/2020	18731	Miggys Five	supplies for bldg	275.92
08/13/2020	18732	Ott Consulting Inc	SEO July	2,382.65
08/13/2020	18733	PA Municipal Health Insurance Cooperative	36567-0 Health insurance - Sept	57,691.10
08/13/2020	18734	PA One Call System, Inc.	inv 868033 monthly activity fee	32.20
08/13/2020	18735	PAPCO	invs 3020250,3025860,3025858 gas	5,230.73
08/13/2020	18736	Praxair Dist Mid-Atlantic	inv 97909458 cylinder rental	26.76
08/13/2020	18737	RICOH USA, Inc	inv 5060102619 additional copies	422.89
08/13/2020	18738	RICOH USA, Inc.	1309321-1021529A1	334.99
08/13/2020	18739	SC Palace PA , LLC	tax assessment refund	1,894.53
08/13/2020	18740	Service Tire Truck	invs 700594-26,713289-26 tires invs 8059086039,9132766,9223049,9238058 office supplies	54.00
08/13/2020	18741	Staples Advantage	supplies	472.82
08/13/2020	18742	Stengel Bros., Inc.	inv 442647 Mack truck	2,376.37
08/13/2020	18743	Super Heat, Inc	invs 99756,100687 repairs	1,622.35
08/13/2020	18744	Tractor Supply Credit Plan	inv 100581646 parts	297.96
08/13/2020	18745	TransEdge Truck Centers	inv 77816T1 parts	107.62
08/13/2020	18746	Verizon Wireless	inv 9858980344 cell phones	264.21
08/13/2020	18747	Waste Management	inv 346835702033 dumpsters	549.91
08/13/2020	18748	Gotta Go Potties, Inc	inv 97544 Woodale	60.00
08/13/2020	18749	Gotta Go Potties, Inc	inv 98163 Gardens	85.00
				117,584.14

Sewer fund

Date	Num	Name	Memo	Credit
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08/13/2020	14116	ALLSTATE SEPTIC SYSTEMS, LLP	338703	356.25
08/13/2020	14117	AT&T	0195333847001	43.25
08/13/2020	14118	B. Newhart & Sons, Inc.	July	1,180.00
08/13/2020	14119	Evoqua Water Technologies	904531831	3,643.20
08/13/2020	14120	Hydro Mechanical Services LLC	2514	2,220.00
08/13/2020	14121	JP MORGAN CHASE BANK NA	Refund from 709 Clubhouse Dr	1,167.92
08/13/2020	14122	Link Computer Corporation	133906 - New Billing System	10,000.00
08/13/2020	14123	Middle Smithfield Township General Fund	4/18-7/31 Sewer Exp	25,270.69
08/13/2020	14124	MST2012GOB	MST 2012GOB installment	10,113.54
08/13/2020	14125	PA ONE CALL SYSTEM, INC.	868038	59.74
08/13/2020	14126	PROSSER LABORATORIES, INC.		26,692.69
08/13/2020	14127	W.G. MALDEN	16832	1,901.40
08/13/2020	14128	WASTE MANAGEMENT	3471293-0203-5	2,604.54
08/13/2020	14129	VERIZON	450-733-757-0001-47 PS#4 Maple Ln	109.09
08/13/2020	14130	VERIZON	450-733-758-0001-20 PS#3 McCole & 209	37.94
08/13/2020	14131	VERIZON	250-733-759-0001-47 PS#7 McCole & NP	37.94
08/13/2020	14132	VERIZON	250-733-760-0001-28 PS#8 LOTP	37.94
08/13/2020	14133	VERIZON	450-733-760-0001-83 PS#2 Fairway Villas	37.94
08/13/2020	14134	VERIZON	450-733-769-0001-92 WL Mtn Pass	36.76
08/13/2020	14135	VERIZON	350-733-772-0001-56 Main STP	78.78
08/13/2020	14136	VERIZON	250-395-204-0001-04 PS#10 BRD	45.34
08/13/2020		VUB	11769	
08/13/2020		VUB	11770	
08/13/2020		VUB	11771	

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85,674.95

### Golf course

Date	Num	Name	Memo	Amount
08/06/2020	61380	LT Verrastro Beverage	beer	(319.86)
08/06/2020	2313460	Verizon	223-8099	(319.60)
08/10/2020	2313459	Verizon	570-223-7378	(212.91)
08/12/2020	72333538	Met-Ed	100085171773 guard shack	(74.22)
08/12/2020	72333631	Met-Ed	100081748863 Golf maint bldg	(93.70)
08/12/2020	72334273	Met-Ed	100081784231 big ridge dr	(158.52)
08/13/2020	61381	Allstar Pro Golf	inv inv18475 ball markers	(145.54)
08/13/2020	61382	Blue Ridge Communications	a/c 0109950-03 internet	(52.95)
08/13/2020	61383	Canfield's Pet & Farm	inv 136862 lime for Hole #4	(57.76)
08/13/2020	61384	Cintas Corporation	inv 4055290049 cleaning	(140.10)
08/13/2020	61385	Claude S. Cyphers, Inc. Dave "The Wiz" Muller	inv 697666 parts	(115.56)
08/13/2020	61386	Equipment	inv i200623152 ice machine repairs	(235.00)
08/13/2020	61387	Finch Services, Inc	inv B92028 parts	(218.87)
08/13/2020	61388	Fisher & Son Co., Inc.	inv 212378-in seed	(193.39)
08/13/2020	61389	Genesis Turfgrass Inc.	inv 95112 supplies	(8,078.50)
08/13/2020	61390	Golf Car Specialties, LLC	invs SI149713,787 parts	(477.06)

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08/13/2020	61391	Gotta Go Potties	inv 97246 7/6-8/3 porta potties	(180.00)
08/13/2020	61392	Kevin Dixon	reimburse for alcohol & supplies	(999.38)
08/13/2020	61393	MST 2012 G.O.B.	monthly installment for 2012 GOB	(863.02)
08/13/2020	61394	NAPA Auto Parts	inv 2717-028688 parts	(35.94)
08/13/2020	61395	Orkin Pest Control	inv 323661 pest control	(65.56)
08/13/2020	61396	P&S Garage	inv 96270 inspection	(29.74)
08/13/2020	61397	PAPCO Precision Small Engine Co., Inc	invs 3023150,151,158,3035685,686,681 gas	(1,837.97)
08/13/2020	61398	Inc	inv 613582 parts	(222.80)
08/13/2020	61399	Super Heat, Inc	invs 100508,677,722 a/c repairs	(1,151.09)
08/13/2020	61400	Turf Equipment & Supply Co.	inv 1081297-00 parts	(449.76)
08/13/2020	61401	Waste Management	inv 346954302037 maint bldg	(314.23)
08/13/2020	61402	Waste Management	inv346954202039 clubhouse	<u>(436.25)</u>
				(17,479.28)

Liquid fuels fund

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
07/31/2020	10068	Eureka Stone Quarry, Inc	invs 371575,729,955,2221,2591 road materials	-71,788.10
08/13/2020	10069	Eureka Stone Quarry, Inc	invs 370449,600,853 road materials	<u>-29,760.02</u>
				-
				101,548.12

Liquid fuels Sellersville Drive

<u>Date</u>	<u>Num</u>	<u>Memo</u>	<u>Amount</u>
08/13/2020	1004	inv 369748 scratch & base Sellersville	<u>8,214.95</u>
			-
			8,214.95

Cultural center

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Credit</u>
08/13/2020	10070	Marx Sheet Metal & Mechanical Inc	application #11 Cultural Center	19,777.34
08/13/2020	10073	Scandale Associated Builders & Engineers	application #11 construction	97,798.95
08/13/2020	10072	Wind Gap Electric, Inc	application #9 electrical	30,639.40
08/13/2020	10074	PA Department of Transportation	inv 1802483467 HOP inspection	<u>2,491.74</u>
				150,707.43

