



MIDDLE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS
NOVEMBER 12, 2020 MINUTES

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Thursday, November 12, 2020 at 7pm at the Schoonover Municipal Building.

The State and Township continue to operate under emergency procedures due to the COVID-19 pandemic. The Board of Supervisors are holding in person meetings as well as providing an opportunity for public participation through video and audio advanced communication technology ("ACT"), using the ZOOM internet application.

Board of Supervisors present: Annette Atkinson, Mike Dwyer and Mark Oney. Also present were Township Solicitor Michael Gaul, Esq., Christine Himler of Riley & Associates, Township Secretary Michele Clewell, Deanna Schmoyer, P.E. of D&D Engineering & General Construction, LLC and Robert Weseloh, President of LTS Builders as well as Jennifer Carollo and Maureen Tanczos for Girl Scout Cadets Troop 51005 and one member of the public both using the ZOOM internet application.

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 October 22, 2020 minutes. Mike Dwyer seconded the motion. Motion passed 3-0.

Report of Executive Session(s)

Attorney Gaul stated that the Board of Supervisors held an executive session prior to the meeting to go over pending legal matters with the Township Solicitor. He also stated that an executive session was held on October 27, 2020 to discuss personnel matters.

Announcements

The Township is accepting bids for sale of the golf course and lands owned by the Township. The Township has begun publishing advertisements to notify the public of the ability to submit a bid. Bids are due December 17, 2020, which is the date they will be opened by the Board of Supervisors at a special Board meeting.

The Shop Local directory will be mailed to every resident detailing all the MST local businesses.

Due to COVID-19, the annual tree lighting has been cancelled as large gatherings are not recommended.

A temporary certificate of occupancy could be issued as early as next week for the MST Cultural Center/Library of the Smithfield's with operation during day light hours only.

Adopt A Family is underway with six families being adopted by the township employees and committee members. Rachel Heller, PWD Administered has come up with a new and better way to expand the program with the township staff, committee members and vendors all giving our township families a holiday to look forward to.

Holiday candy will be given away at the township office starting the week of December 7th from 8am-4pm by Mrs. Claus.

Committee & Department Reports

All the reports are available on the township website in their entirety.

Correspondence

A thank you note was received from St. Luke's Pediatric Unit thanking Chris Rain, Parks & Recreation Committee liaison and the Township for the donation of pumpkins with decorating kits and candy.

Treasurer's Report

Payables

Mike Dwyer made a motion to approve the general fund payables in the amount of \$383,486.98. Mark Oney seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the sewer fund payables in the amount of \$40,219.79. Annette Atkinson seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the golf course payables in the amount of \$25,474.41. Mark Oney seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the Community & Cultural Center payables in the amount of \$120,326.60. Annette Atkinson seconded the motion. Motion passed 3-0.

Solicitors Report

Attorney Gaul stated that the Court granted the Township's request for a preliminary injunction requiring a property owner to remedy a sewage facilities violation. The property owner has 60 days to fix the problem, or the property must be vacated. No action is required at this time by the Supervisors.

Attorney Gaul made the Board of Supervisors aware that his firm, King, Spry has done work for LTS Homes in the past, although he has not. Mr. Weseloh of LTS Builders stated that Attorney Gaza is their attorney for the Highland Oaks Subdivision.

Engineers Report

Highland Oaks Major Subdivision Plan; Christine Himler stated that her office received the revised subdivision plan in response to the October 21, 2020 letter from the Township Engineer, Chris McDermott, P.E.; however, he did not have time to review it. There are a few items that need to be clarified and Mr. McDermott will issue a letter.

Ms. Schmoyer provided three full sign sets of revised plans, as well as 11x17 for the Board and Solicitor to review now.

Ms. Schmoyer stated that they are proposing a 12-lot subdivision on 30 acres off of Dancing Ridge Road. On lot sewer and well is proposed. The sewer planning modules have been submitted to PA DEP for their review. The NPDES technical comments were received from the Monroe County Conservation District and have been answered and resubmitted. Minor comments from the Township Engineer have been received. One of those comments referenced adjustments to the lots and lot closures due to the Right-of-way line. She said that has been addressed and is reflected on the plans provided.

The property owner made the following Requests for Modification of Regulations, which were granted by the Board of Supervisors as noted:

- a. SALDO Section 170-42.D - A metes and bounds description for the proposed well location shall be required; Mark Oney made a motion granting the waiver request due to the overall property layout, the lots are larger than the minimum lot size requirement. Mike Dwyer seconded the motion. Motion passed 3-0.
- b. Approximate locations of existing trees with trunk diameter of over 18 inches measured 3.5 feet above the ground level where trees are proposed to be removed; Mark Oney made a motion granting the waiver request due to the entire parcel of property is wooded with various diameters of trees. The area of trees removal/earth disturbance on each lot will be limited as part of the NPDES permit/PCSM measurers. Mike Dwyer seconded the motion. Motion passed 3-0.
- c. The depth of residential lots shall be not less than one nor more than three time their width; Mark Oney made a motion granting the waiver request due to the overall property layout, the lots have a greater depth. Property in the rear of the property is not very usable due to site constraints and therefore is added to the back of the overall parcel areas. The minimum lot sizes are approximately 2 to 3 times the minimum required. Mike Dwyer seconded the motion. Motion passed 3-0.

Ms. Schmoyer provided the Engineers Cost Estimate to Ms. Himler.

Attorney Gaul stated that this is a Preliminary Plan not Final. Ms. Schmoyer asked if under a Preliminary plan, can they do improvements. Attorney Gaul said yes, but they cannot sell any lots. Once a Final Plan has been submitted, approved, signed and recorded, then they can sell lots. In order to undertake improvements prior to final plan approval, the developer will need third party approvals, and also sign a stormwater agreement.

There was discussion about bonding and financial security and Attorney Gaul stated that the property owner needs to provide financial security at the final plan approval stage.

Attorney Gaul asked whether the stormwater facilities placed on a private lot only served that lot, which Ms. Schmoyer confirmed. The Solicitor stated that his initial reaction is that, if the sewer facilities are required improvements, the developer would need to post financial security for the improvements, even if they served on the lot on which they were located. Ms. Schmoyer asked if it could be linked with the driveway permit and an Attorney Gaul said he would look into that, but the Township wants the stormwater improvements secured by the developer because it goes with the NPDES.

Attorney Gaul stated that someone has to be responsible for the stormwater facilities. Ms. Schmoyer stated that LTS Builders is going to sign off on those requirements to the property owner. She said each house has a berm and only for that property. They are only individual, there is no easements from one property to the other.

Mr. Wesloch stated that the berms will be made part of the property owner(s) deeds. Attorney Gaul stated that under the Township SALDO, that required financial security by the developer and the property owner has to be notified. There was discussion to include wording in the Certificate of Occupancy that the berm is located on said lot(s). Attorney Gaul stated that the stormwater controls must be in place for the owner to build.

Attorney Gaul asked how will LTS Builders transfer the NPDES permit over to the land owner. Ms. Wesloch stated that the land owner would become the co-permittee. Mike Dwyer asked how would the final owner become obligated. Mr. Wesloch stated that the as-built plans and notations in the deed stating that the property owner is responsible for the berms. He also stated that LTS has an agreement that shows what they have to do as a homeowner and that would be reviewed with the property owner when they come into their offices to build a home. Attorney Gaul stated that typically, a note is made on the plans and a copy of the deed used for the sales would be provided to the Board. Attorney Gaul stated that the note on the plans regarding stormwater should specifically state that the property owner is responsible for long term maintenance of the stormwater facilities on his or her property.

Attorney Gaul stated that that Stormwater Agreement would be a covenant running with the land and the property owner is responsible for the facility on their lot and indicated on the plan. Mike Dwyer stated that he would like to see a written document with the certificate of occupancy and every buyer thereafter would know about the stormwater requirements. There were other suggestions as to how to notify future property owners of the stormwater requirements.

Attorney Gaul stated that the building of the berm is an improvement and should have financial security. This all should be worked out in writing because once they have final plan approval, they can build. Ms. Schmoyer stated that the NPDES controls it and as long as the property is built on, the developer, LTS is locked in with the NPDES permit.

Mike Dwyer asked about the buffer between Lot #1 and the neighbor (MST Wooddale Maintenance Building). Mike Dwyer suggested that new planting; Green Giant Arborvitae trees begin 20' in front of the house depicted on the plan and 20' past the shed, depicted on the plan. Estimated to be about 10 trees. Christine Himler stated it would be every 5', and 40 trees, for about \$4k, and would provide 200' of buffer for Lot #1. Mike Dwyer offered to show Deanna Schmoyer the property in person. He said build the swale first and then representatives of the developer and the Township can visit the site and determine the number of trees that need to be installed.

The fee in lieu of recreational space was discussed, and a payment of \$600 per lot is required.

Ms. Schmoyer stated that site stormwater is depicted in the back of lots 2 and 3, as it is an existing swale. They are taking the culvert water to direct it down the property. She said the property owner is responsible for it and they benefit from it. Lot #3 does not need an easement from lot #2.

Christine Himler asked if they are adding the lot markers. Mr. Wesloch stated that Frank Smith, Jr. P.L.S., stated that the rear pins are set but not sure if the front pins were set, but he did provide LTS with the plot plans for all the lots.

Christine Himler asked that the limits of the shoulder areas should be noted on the plan. Ms. Schmoyer stated she will label it and shade it.

There was discussion regarding the time frame of preliminary plan. Attorney Gaul stated that the developer would be protected from ordinance changes for a period of up to 5 years.

Attorney Gaul recommended to the Board of Supervisors an approval the Highland Oaks Major Preliminary Plan be subject to the following conditions:

- a. Comply with the Township Engineer's Letter dated October 21, 2020,
- b. Submit required third party approvals, including Monroe County Conservation District approval, NPDES permit, and approval of the PA DEP Sewage Planning Modules,
- c. Signed Improvements Agreement satisfactory to the Township solicitor,
- d. Financial Security for improvements satisfactory to the Township,
- e. Stormwater Agreement; signed before any land disturbance
- f. Contribution to the maintenance fund for the stormwater and inspections escrow.
- g. Payment of outstanding professional fees
- h. Driveway Permit
- i. Fee in lieu of open space
- j. Cost Estimate satisfactory to the Township Engineer
- k. Screen 200' of buffer, being 5' on center of the Green Giant Arborvitae trees

Mark Oney made a motion to grant conditional approval of the Highland Oaks Major Subdivision Preliminary Plan, subject to Attorney Gaul's recommendation. Annette Atkinson seconded the motion. Motion passed 3-0.

Old Business

None

New Business

Resolution 11-2020-1; Resolution Appointing Riley and Company, Inc. Certified Public Accounts to Audit the Books and Records of Middle Smithfield Township for the Fiscal Year 2020, and to Replace the Elected Auditors in the Performance of Such Function;

Mike Dwyer made a motion approving Resoltuion 11-2020-1. Mark Oney seconded the motion. Motion passed 3-0.

Rental Fee Waiver Request for Echo Lake Park Pavilion- Boy Scout Troop 902 requesting the use of Echo Lake Park pavilion on November 21, 2020; Mike Dwyer made a motion approving the rental fee waiver request for Boy Scout Troop 902 for the use of the Echo Lake pavilion on November 21,2020. Mark Oney seconded the motion. Motion passed 3-0.

Tom Comitta & Associates Professional Services for the Middle Smithfield Township Comprehensive Plan; Mark Oney made a motion to accept the proposal received from Tom Comitta & Associates to revise the 2007 Comprehensive Plan. Annette Atkinson seconded the motion. Motion passed 3-0.

Public Comment

None

Adjournment

Annette Atkinson made a motion to adjourn the meeting at 8:30pm. Mike Dwyer seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell
Township Secretary
November 12, 2020

General fund

Num	Name	Memo	Credit
18952	CBRE, Inc Middle Smithfield Township 2019	inv ADV0007501 marketing exp CCP	35,000.00
18955 48292359	GOB	2019 GOB installment	16,370.76
7	Pennsylvania American Water	1024-210033478776 hydrants	143.53
18953	VOID CHECK	VOID:	
74384493	Met Ed	100069220836 River Rd light	23.49
74384443	Met Ed	100138495898 Echo Lake	23.63
74384369	Met Ed	100114051681 Bark park	23.66
18954	Ray Price Stroud Ford	2020 Ford F 550	38,213.00
74502520	Met Ed	100016951467 bldg A	472.87
74502628	Met Ed	100036091245 bldg b	341.45
74502860	Met Ed	100073577916 Sellersville light	36.61
74502921	Met Ed	100124280825 Oak Grove light	35.09
74503060	Met Ed	100016915751 Municipal light invs 101-14916,14939,14991,14966 road materials	29.03
18956	209 Enterprises		3,510.29
18957	A.J. Smith Electric Motor Service	inv 37403 parts	112.00
18958	Ace Trucking & Repairs, Inc	invs 18763,961,973,976 inspections	290.00
18959	AFLAC American United Life Insurance Company	insurance a/c y2051	384.26
18960		G00612999	2,513.36
18961	Autozone	invs 6787054543,9323 parts	153.32
18962	Blue Ridge Cable	a/c 0377113-01 Woodale internet	62.21
18963	Cedarville Engineering Group, LLC	inv 11415 grant services	1,920.00
18964	Cheryl Hall.	return of deposit	50.00
18965	Claude S. Cyphers, Inc	invs 701184,1225,1265 parts	604.60
18966	Dailey Resources, LTD	inv R150041 cylinder rental	11.00
18967	DES-CPR, Inc	inv 62414 cleanup shredding	1,000.00
18968	Eureka Stone Quarry	inv 390680 Diss Way materials	11,358.13
18969	Francis C. Disalvo	inv 10292074770 tools	166.50
18970	Fry's Plastic	inv k11352 parts	43.32
18971	Gilmore & Associates, Inc.	inv 202005 MS4	2,733.09

18972	Gotta Go Potties, Inc	inv 100679 Community Gardens	85.00
18973	Grainger, Inc.	invs 9683777792,9687410036 supplies	1,635.73
18974	H.A.R.I.E	307441611-20 worker comp 11/4/20-11/4/21 invs	56,790.00
18975	Hanson Aggregates	3819441,8434,22170,4179,3275,5137,6896,792 8	84,603.79
18976	Highway Equipment & Supply Co.	inv D73742 parts	38.98
18977	Huffmans' Electric	inv 10914 bad switch Dancing Ridge	101.18
18978	Lehman Township	shared insurance for Fire & Ambulance	13,241.60
18979	Leroy Lewis	contracted maintenance- dog park	200.00
18980	Lewis ACE Hardware	a/c 1120 bldg supplies	199.43
18981	Mark T Boyle Middle Smithfield Township 2012	inv 3672 sandblast, prime & paint plow	2,158.43
18982	GOB	2012 GOB General Fund installment inv 381023 commercial package 11/4/20- 11/3/21	3,434.00
18983	MRM Property & Liability Trust		62,019.00
18984	Orkin Pest Control	inv 391284 pest control	185.47
18985	PA One Call System, Inc.	inv 882579 monthly activity fee	12.70
18986	PAPCO	invs 3102543,544 gas	3,531.14
18987	Pocono Profoods	invs 1321224,1322778 supplies	148.60
18988	Praxair Dist Mid-Atlantic	inv 99688887 cylinder rental	27.54
18989	Rachel Heller.	reiimburse for JR uniform pants	129.97
18990	RICOH USA, Inc	inv 5060727318 additional copies	524.64
18991	RICOH USA, Inc.	1309321-1021529A1	452.24
18992	SFM Consulting LLC	U&O, BC, Z -011	13,496.35
18993	Sherwin-Williams	inv 4379-3 paint	400.00
18994	Staples Advantage	invs 8060222436,8060285250 supplies	176.66
18995	Super Heat, Inc	invs 101518,101515,101516 repairs	1,946.88
18996	UTRS, Inc	inv 45310 copies	24.30
18997	Warehouse Battery Outlet, Inc	invs 469333,469888 batteries	417.59
18998	Waste Management	inv 348836402035 cleanup	14,585.00
18999	West End Equipment	inv 129341 plow truck F550	6,457.00
19000	Gotta Go Potties, Inc	inv 100678 Echo	145.00
19001	Gotta Go Potties, Inc	inv 100745 bark park	85.00
19002	Gotta Go Potties, Inc	inv 100744 Wooddale	60.00
19003	Waste Management	inv 348864202034 dumpsters	548.56
			<u>383,486.9</u>
			8

Sewer fund

Num	Name	Memo	Credit
14264	VERIZON	450-733-757-0001-47 PS4 Maple Ln	164.01
14265	VERIZON	450-733-758-0001-20 - PS#3 McCole & 209	38.51
14266	VERIZON	250-733-759-0001-47 PS#7 McCole & NP	38.35
14267	VERIZON	250-733-760-0001-28 PS#8 LOTP	38.35
14268	VERIZON	450-733-760-0001-83 PS#2 Fairway Villas	38.35
14269	VERIZON	450-733-769-0001-98 - WL Mtn Pass	39.42

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14270	ALLSTATE SEPTIC SYSTEMS, LLP	344683	435.00
14271	AT&T	0195333847001	43.47
14272	Evoqua Water Technologies		9,149.59
14273	Link Computer Corporation	INV136715	563.44
14274	MST2012GOB	MST 2012GOB installment	10,113.54
14275	PA ONE CALL SYSTEM, INC.	882583	20.70
14276	PROSSER LABORATORIES, INC.	1013020.25	5,226.00
14277	GILMORE & ASSOCIATES, INC.	202003 Mt. Nebo Pump Station & Force Main	1,146.90
14278	GILMORE & ASSOCIATES, INC.	202004 General	1,441.42
14279	PROSSER LABORATORIES, INC.	488923	1,014.20
14280	WASTE MANAGEMENT	3494220-0203-1	4,722.22
14281	MET-ED	100044863148 WL Island View	28.87
14282	MET-ED	100018446334 PS#3 McCole & 209	46.53
14283	MET-ED	100018440378 PS#4 Maple Ln	265.79
14284	MET-ED	100018442556 PS#7 McCole & NP	109.30
14285	MET-ED	100081035618 Lift Station	24.09
14286	MET-ED	100018448652 Main STP	3,617.72
14287	MET-ED	100089058661 Rt 209	23.30
14288	MET-ED	100016629691 Sleepy Hollow Fairway	159.91
14289	MET-ED	100076523768 WL Mtn Pass	616.13
14290	MET-ED	100080913799 Off Sleepy Hollow	128.14
14291	MET-ED	100080916826 PS#2 Fairway Villas	40.73
14292	MET-ED	100080920901 Tree Tops	27.31
14294	W.G. MALDEN	17297	370.00
14295	Lasonia Reynolds	Refund of Duplicate payment	350.00
14296	Igor Suboch	Refund of Duplicate payment	178.50
			40,219.79

Golf Course fund

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
61462	Banko Beverage	beer	(319.43)
2369905	Verizon	223-8099	(329.56)
2369902	Verizon	570-223-7378	(215.35)
485340273	PA American Water	1024-210033261244	(103.45)
74502464	Met-Ed	100081748848 clubhouse	(908.46)
74502573	Met-Ed	100081748855 pump house tomx rd	(354.49)
74502672	Met-Ed	100081748863 Golf maint bldg	(133.00)
74502733	Met-Ed	100081784231 big ridge dr	(104.20)
74502804	Met-Ed	100085171773 guard shack	(95.94)
74503260	Met-Ed	100104048101 pump house doral crt	(22.53)
61463	Allstar Pro Golf	inv 20085 merchandise	(818.63)
61464	Blue Ridge Communications	a/c 0109950-03 internet	(49.95)

61465	Central Jersey Equipment	inv 1227864 parts	(204.58)
61466	Cintas Corporation	inv 4065693286 cleaning	(140.10)
61467	Claude S. Cyphers, Inc.	invs 700782,701267,701541 parts invs	(1,148.42)
61468	Cooper Electric Cramers Home Building	S042288149.001, .002, .003,042312737.001	(964.53)
61469	Centers	inv 2010-671516 parts	(243.65)
61470	Ecolab	inv 6258097619 cleaning supplies	(137.88)
61471	Genesis Turfgrass Inc.	inv 103924 supplies	(750.00)
61472	Golf Car Specialties, LLC	invs si153829,154077 parts	(944.21)
61473	Gotta Go Potties	inv 100567 porta potties	(180.00)
61474	Grass Roots Turf Products	invs 846754,846755 greens maint	(10,282.00)
61475	Hellers Gas, Inc.	inv 4079691 propane	(363.58)
61476	Herr Foods Inc	inv 8160335 snacks	(45.06)
61477	Kistler O'Brien Fire Protection	inv 146035 inspection	(263.15)
61478	MST 2012 G.O.B.	monthly installment for 2012 GOB	(863.02)
61479	NAPA Auto Parts	inv 2717-045777 parts	(71.39)
61480	Orkin Pest Control	inv 381662 pest control	(65.56)
61481	PAPCO	invs 3096397,398,405 gas	(1,028.31)
61482	Pennsylvania Department of Agriculture	BU11298 pesticide permit	(35.00)
61483	Pocono 4 Wheel Drive	inv 227505 repairs	(405.00)
61484	Pocono ProFoods	inv 1320842 cleaning supplies	(312.70)
61485	Steckel Publications, Inc.	invs 27840,27714 advertising	(750.00)
61486	Steele's Hardware	invs 463341,3342 parts	(562.99)
61487	Super Heat, Inc	inv 101499 HVAC maintenance	(1,081.40)
61488	Waste Management	inv 348978102039 Maint bldg	(313.49)
61489	Waste Management	inv 348978002031 clubhouse	(863.40)
			<u>(25,474.41)</u>

Cultural Center

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Credit</u>
10090	Scandale Associated Builders & Engineers	application # 13 construction	68,932.91
10091	Marx Sheet Metal & Mechanical Inc	Cultural Center application #14 inv 7878666320100105 HOP	8,286.34
10092	PA Department of Transportation	inspections inv 489004,09282020-51 water system	10,127.45
10093	Prosser Laboratories		10,305.00
10094	Wind Gap Electric, Inc	application # 12 final electrical work	<u>22,674.90</u>
			120,326.60