



MIDDLE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS
DECEMBER 28, 2020
MINUTES

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Monday, December 28, 2020 at 7:00 pm 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, and telephone option.

Board of Supervisors present: Annette Atkinson, Mike Dwyer and Mark Oney. Also present were Township Solicitor Michael Gaul, Esq., Township Secretary Michele Clewell, Donna Kenderdine, Val Kleyman of Grand Leisure Travel, LLC, and numerous members of the public using the ZOOM internet application as well as in-person.

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

In Memory of Ray White

Annette Atkinson announced with great sadness that Township resident, Ray White, Chairperson and founding member of the Golf Committee, and member of the Board of Country Club of the Poconos North, has passed away. Ray's contribution to our community can never be overstated. He has been involved with the Township for many years. Ray knew well the transformative power of community, and was always there to help and always looked to engage others in meaningful community involvement.

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 table action on the December 3, 2020 and December 17, 2020 minutes until the January 4, 2021 meeting. 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.

Announcements

None

Public Hearing

An Ordinance Amending Article V, Volunteer Service Credit Program, Of Chapter 176 Of the Code of The Township of Middle Smithfield, As Heretofore Amended; Increasing the Tax Credit Available Under Section 176-53, Real Property Tax Credit, To One Hundred Percent (100%) Of the Volunteer's Township Real Estate Tax Liability, Beginning Township Tax Year 2021; And Providing for Other Miscellaneous Matters ("Proposed Ordinance No. 230")

At 7:04pm, Annette Atkinson made a motion to open the public hearing on Proposed Ordinance No. 230. Mike Dwyer seconded the motion. Motion passed 3-0.

Donna Kenderdine took a stenographic record of the hearing.

Attorney Gaul introduced the Township exhibits into the Record.

Attorney Gaul stated that the Township's Code already allows a 10% credit on Township real property taxes for qualified firefighters and EMS who live in the Township. This year the Pennsylvania Legislature passed legislation allowing the Township to increase the credit to 100%. The tax credit only applies to Township real estate taxes, and not the school district tax.

Mark Oney stated it is an honor to have the volunteers we have. They have to meet the hours and training, but this is one way to reward them.

Val Kleyman asked if this is done for nurses, health care workers and front-line workers. Attorney Gaul stated that the Township can only allow a tax credit that is authorized by State law. Currently, State law only allows a tax credit for volunteer firefighters and EMS personnel, and not others.

Mr. Lipkind asked if there are any other provisions for others to qualify. Attorney Gaul said, no.

Paul Anders asked about which firefighters this pertains to. Mike Dwyer stated that it does not matter which fire company you volunteer for, as long as it serves the Township. He also stated that you must be a Middle Smithfield Township resident, and real property taxes must relate to volunteer's owner-occupied residential property.

Annette Atkinson made a motion to close the public hearing at 7:13pm. Mike Dwyer seconded the motion. Motion passed 3-0.

Action on Proposed Ordinance

Annette Atkinson made a motion to enact Proposed Ordinance No. 230. Mike Dwyer seconded the motion. Motion passed 3-0.

Correspondence

A letter was received from Country Club of the Poconos Property Owners Association South requesting the Board of Supervisors reject the bid (\$225,000) of Grand Leisure Travel, LLC for the sale of the golf course and undeveloped lands owned by Middle Smithfield Township. (the letter was read verbatim)

Treasurer's Report

Resolution 12-2020-5; a Resolution of the Township of Middle Smithfield Township, County of Monroe, Commonwealth of Pennsylvania, Adopting the 2021 Budget and Fixing the Tax Rate for the Year 2021; Mike Dwyer made a motion to adopt Resolution 12-2020-5 adopting the 2021 budget and fixing the tax rate of the year 2021. Annette Atkinson seconded the motion. Motion passed 3-0.

Payables

Mike Dwyer made a motion to approve the general fund payables in the amount of \$68,433.82. Mark Oney seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the sewer fund payables in the amount of \$68,431.05. Annette Atkinson seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the golf course payables in the amount of \$3840.16. Mark Oney seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the liquid fuels payables in the amount of \$506.34. Annette Atkinson seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the Community & Cultural Center payables in the amount of \$55,814.49. Annette Atkinson seconded the motion.

Solicitors Report

None

Engineers Report

None

Old Business

Action on bids for purchase of Golf Course & Undeveloped Lands Owned by Middle Smithfield Township; Attorney Gaul stated that this was tabled at the last Supervisors meeting in order to review the bid.

Attorney Gaul stated that he reviewed the submitted, and concludes that the bid is non-responsive to the written Terms and Conditions of Sale. The completed bid form was

separated from the Original Terms and Conditions of Sale, and not submitted with the bid, the signed Addendum #1 submitted with the bid did not include the exhibits to Addendum #1 and Grand Leisure Travel, LLC's bid submission included an additional, unsolicited proposed "Purchase Proposal".

Attorney Gaul stated that he prepared a draft Board Resolution outlining the bid history, and reasons why he finds the bid non-responsive. Further, his understanding is that the Board of Supervisors finds the bid price inadequate, too low for the sale of the property and lower than the appraisal valuations received by the Board. The low bid price would be an additional reason to reject the bid. As a result, Attorney Gaul included that reason for rejection as well in the draft Resolution.

Attorney Gaul stated that the proposed Resolution rejects the bid from Grand Leisure Travel, LLC. The draft Resolution was circulated to the Supervisors prior to the meeting.

Attorney Gaul summarized the draft Resolution.

Annette Atkinson made a motion to adopt Resolution No. 12-2020-6, a Resolution Rejecting Grand Leisure Travel LLC's Bid for Township Property. Mike Dwyer seconded the motion.

Val Kleyman stated that he would like to explain his bid. He sympathizes with the POA that wrote the letter asking the bid be rejected, but it has been the Township's burden to finance the golf course, not theirs. He stated that there are 30 acres to develop, not 400, and that is what he based his bid on.

Mr. Lipkind stated that it is disingenuous for the POA to argue that the bid should be rejected due to the circumstances of the pandemic, when the POA did not step up before to buy the property.

Bob Pohlman thanked Attorney Gaul for the analysis. There was discussion regarding the mention of 30 acres. Annette Atkinson stated that the bidder is saying only 30 acres is buildable, and that is not correct; 409+ acres minus the 118 golf course is over 291 acres.

Mike Dwyer stated that the Mr. Kleyman is comparing the 409 acres to raw land. The equipment, golf carts and buildings have value also.

Mr. Lipkind asked why only one bid was received and if not accepting the bid, will the Supervisors consider auctioning it in pieces. Attorney Gaul stated that the Supervisors will review the process in the future, including whether the timing of the COVID pandemic impacted the bidding process.

After there was no further public comment on the pending motion, the Board voted unanimously (3-0) to adopt Resolution No. 12-2020-6, a Resolution Rejecting Grand Leisure Travel LLC's Bid for Township Property.

Resolution 12-2020-1; Fenical Joinder Deed; Annette Atkinson made a motion to approve Resolution 12-2020-1 Fenical Joinder Deed. Mark Oney seconded the motion. Motion passed 3-0.

Resolution 12-2020-2; Fenical Joinder Deed; Annette Atkinson made a motion to approve Resolution 12-2020-2 Fenical Joinder Deed. Mark Oney seconded the motion. Motion passed 3-0.

New Business

Appoint Danny Younger to the Eastern Monroe County Public Library Board for a (3) year term; Annette Atkinson thanked Shamus McGraw for his years of service on the Board of Trustees for the library. Smithfield Township also appointed Mr. Younger at their last meeting.

Annette Atkinson made a motion to appoint Danny Younger to a (3) year term on the Eastern Monroe County Public Library Board. Mark Oney seconded the motion. Motion passed 3-0.

Public Comment

Tom Wolf of CCP North asked if CBRE, Inc will still market the golf course and lands. Attorney Gaul stated that the Supervisors will have to discuss the future process for sale of the Township property. The current process, wherein the Township was receiving bids for the property, is now concluded. There was only one bid received, and that bid has been rejected by the Board.

Mr. Lipkind thanked the Public Works Department for the road work done on Sellersville Drive and the painted bars at the stop signs at the intersections of Lower Lakeview/Tom X Road.

Toby Anders asked about the process for remedying the potential hazard created by the fire damaged barn fire off of McCole Road. Ms. Anders is concerned about the structure. There was discussion regarding who the owner is, and the ability of the township to notify said owners to fix the problem. Mike Dwyer stated that Bushkill Fire Co reached out to the owner of the barn. Attorney Gaul reviewed the process under the Township's Dangerous Building Ordinance, and stated that the Supervisors could reach out to the Zoning Officer for a report.

Mr. Oney also suggested that each fire company be contacted by the Township and request that they provide a monthly structure fire damaged report to the Township.

Adjournment

Annette Atkinson made a motion to adjourn the meeting at 7:56pm Mike Dwyer seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell
Township Secretary
December 28, 2020

General fund

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Credit</u>
75402140	Met Ed	100126688959 Dancing Ridge	47.86
19085	Abeloff	inv 3038200 parts	70.20
19086	Ace Trucking & Repairs, Inc	invs 19189, 190 inspections	130.00
19087	Alura Business Solutions LLC	inv 37094 computer repairs	300.00
19088	Amazon	6045787810579207 supplies	515.71
19089	Autozone	invs 6787088506,098186 parts	109.08
19090	Bradco Supply Co	inv 198803 impeller	1,294.65
19091	Canfields Pet & Farm	inv 137283 ice melt	440.00
19092	Claude S. Cyphers, Inc	invs 702302,611,823 parts	502.88
19093	Cramer's Welding & Repairs	inv 945127 drill plate	30.00
19094	Greg Moyer AED Fund	batteries for AED's	2,045.00
19095	Huffmans' Electric	inv 10974 replace bulbs	275.75
19096	Hunter Keystone Peterbilt, LP	inv x210124218:01 parts	198.44
19097	Kitchen Chemistry	inv 12032020 gingerbread men inv 795084 clean & repair diesel fuel tank	244.50
19098	Marko Radiator		650.00
19099	Penteledata	inv b3798648 email boxes	291.84
19100	Service Tire Truck	inv 839498-26 flat repair	39.00
19101	Staples Advantage	inv 8060745891 office supplies	38.49
19102	Steve Shannon Tire co	inv 16045599 tires	654.80
19103	Triad Truck Equipment, Inc	QN 010560 parts	409.75
19104	Verizon	a/c 450-395-041-0001-25	379.04
19105	West End Equipment	inv 129724 parts	402.00
19106	Verizon	a/c 556-475-982-0001-45 library	95.41
19107	Verizon	a/c 356-478-200-0001-36 Library	94.10
19108	PA Municipal Health Insurance Cooperative	inv 45686-0 Jan health insurance	<u>59,175.32</u>
			68,433.82

Sewer fund

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Credit</u>
14336	Evoqua Water Technologies	904720667	2,840.50
14337	PROSSER LABORATORIES, INC.		58,220.63
14338	W.G. MALDEN	17494	370.00
14339	MET-ED	100044863148 WL ISland View	29.34
14340	MET-ED	100016914275 PS#5 Municipal & 209	351.02
14341	MET-ED	100018446334 PS#3 McCole & 209	49.21
14342	MET-ED	100018440378 PS#4 Maple Ln	296.18
14343	MET-ED	100134596392 PS#11 Mt Nebo	93.79
14344	MET-ED	100016867432 PS#8 LOTP	241.14
14345	MET-ED	100018442556 PS#7 McCole & NP	124.02
14346	MET-ED	100081035618 Lift Station	23.79
14347	MET-ED	100018448652 Main STP	4,105.22
14348	MET-ED	10089058661 Rt 209	23.49
14349	MET-ED	100016629691 Sleepy Hollow Fairway	178.04
14350	MET-ED	100076523768 WL Mtn Pass	733.13
14351	MET-ED	100080913799 Off Sleepy Hollow	108.15
14352	MET-ED	100044877809 WL Clubhouse Dr	7.11
14353	MET-ED	100080916826 PS#2 Fairway Villas	42.73
14354	MET-ED	100080920901 Tree Tops	28.08
14355	MET-ED	100018353951 PS#6 Sellersville	288.76
14356	VERIZON	250-395-051-0001-57 PS#6 Sellersville	41.66
14357	VERIZON	450-395-051-0001-14 PS#5 Municipal & 209	44.15
14358	VERIZON	250-395-181-0001-01 PS#9 Oak Grove	42.41
14359	KING SPRY HERMAN FREUND & FAUL	153073	<u>148.50</u>
			68,431.05

Golf fund

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
61518	Hellers Gas, Inc.	inv 4217485 propane	(2,748.27)
61519	R&R Products	inv cd2507563 parts	(1,036.25)
61520	Verizon	250-732-882-0001-56	<u>(55.64)</u>
			(3,840.16)

Liquid fuels fund

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
10073	209 Enterprises	inv 101-15233 anti-skid	<u>-606.34</u>
			-606.34

Cultural Center/Library Fund

{00826724}

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Credit</u>
10096	Northeast Site Contractors.	application #10 HOP & Site work	<u>55,814.49</u> 55,814.49