



MIDDLE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS  
OCTOBER 14, 2021 MINUTES

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Thursday, October 14, 2021 at 7:00 p.m. at the Schoonover Municipal Building.

The meeting was held in-person, with the opportunity for public participation through video and audio advanced communication technology ("ACT"), using the ZOOM internet application, including telephone option. All attendees through ACT could hear each other attendee at the meeting, and be heard by each other attendee.

Board of Supervisors present: Annette Atkinson and Mark Oney with Mike Dwyer participating through "ACT". Also present were Township Solicitor Michael Gaul, Esq., Township Engineer Christopher McDermott, P.E. and Township Secretary Michele Clewell,

Residents and Public: Robert Weseloh of LTS Homes, LLC, Ed Regina, Debbie Kulick, Alice Palencia and through "ACT" Jim Furiosi.

Plan presenters; Josh Seawald, P.E., Corey Chase, P.E. from Dynamic Engineering and Ken Fioretti from HSC Marshals Creek LLC.

The meeting was called to order at 7:00 p.m. by Chairman Annette Atkinson and it was opened with the Pledge of Allegiance.

**Approval of Agenda, and any Amendments**

Annette Atkinson made a motion to amend the agenda to add under New Business an additional agenda item concerning the setting of the hours for Trick or Treat on October 31, 2021. The addition of the item was desirable because it would allow advance planning for Halloween activities in the Township. Mark Oney seconded the motion to amend the agenda. Motion passed 3-0.

**Approval of Minutes**

Annette Atkinson made a motion to approve the September 23, 2021 minutes. Mark Oney seconded the motion. Motion passed 3-0.

**Report of Executive Session(s)**

None

**Announcements**

The MST Team Pink Walk is on Saturday, October 16, 2021 beginning at 5pm. The Trunk or Treat will be held on October 23, 2021 and there are 10 cars that have signed up to give out candy, and more are welcome.

## **Committee & Department Reports**

The reports are available on the side table and on the township website.

The Planning Commission has rescheduled the November and December meetings due to the holidays. The new dates will be advertised for November 18 and December 16, 2021 at 5:30pm.

The township's Historical Commission has a display at the Community & Cultural Center for National Fossil day.

The Penn State Master Gardener's class "Brush Up on Herbs" and water color painting herb illustrations will be held Saturday, October 16, 2021 at the Community & Cultural Center. Everyone is welcome, and MST Community Gardeners and Parks n Rec Committee Members are offered the class for free.

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## **Correspondence**

Joe Memoli, member of the Economic Development Committee, sent the Township a thank you card for the thoughtful fruit arrangement.

## **Treasurer's Report**

Mike Dwyer reported that we are now in budget season. The Supervisors will be meeting weekly with the Budget & Finance Manager to prepare for the 2022 budget. He also 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 \$282,908.83. Mark Oney seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the sewer fund payables in the amount of \$91,343.69. Annette Atkinson seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the golf course payables in the amount of \$13,655.95. Mark Oney seconded the motion. Motion passed 3-0.

## **Solicitors Report**

None

## **Engineers Report**

Tractor Supply Land Development Plan; Chris McDermott, P.E. issued a review letter dated October 11, 2021 based on the latest submission.

Mr. Sewald of Dynamic Engineering stated that the layout is still the same as when it was presented to the MST Planning Commission; 22,000 sq. ft. sprinklered building, open space, grass and landscaping.

There will be a total of 86 parking spaces on site, with 10 of those spaces land banked (reserved). The 10 spaces will not be paved. There will be outdoor storage, and loading and unloading of trucks will be in the back of the building.

The plan contains two above ground detention basins in order to meet the NPDES requirements. Landscaping is depicted in order to enhance the property.

Annette Atkinson asked where equipment will be displayed outdoors. Mr. Sewald replied that it will be on the right side of the building.

Mike Dwyer asked if sidewalks are running along Route 209. Mr. Sewald said yes, and that a sidewalk will be installed to take customers to the front door of the building. The sidewalks extend from property line to property line.

Attorney Gaul questioned the parking spaces and the notes on the plan. Mr. McDermott also stated there are discrepancies with the ITE numbers used, and the applicant would need the zoning officer to sign off on the appropriate use category for the planned store for purposes of determining the correct parking requirements.

Mike Dwyer asked if PennDOT is requiring an in and out from Route 209. Corey Chase said it will be one in and one out. There will be a center turn lane that will run the entire length of the property along Route 209. Mr. Dwyer asked about the drive lane into the area. Mr. Chase said it's more than sufficient with the width for a pickup truck towing a trailer.

Chris McDermott suggested that they speak with the fire department officials while in the development stages. Mike Dwyer asked about emergency vehicles accessing the parking lot and around the building.

Mark Oney asked if they have heard back from PA American Water in regards to its extension of a water line, and provision of service. Joshua Seawald said no, they are still waiting on their approvals, and do not expect to have it until spring 2022.

Mr. Sewald stated that they are hoping to receive this evening the Board's conditional approval of the Land Development Plan, and that the Board will allow recording of the Plan even if the PennDOT Highway Occupancy Permit and the PA American Water Will-Serve letter have not yet been received. The developer would like to start construction of the building and other improvements, as soon as possible. The developer understands it would proceed at its own risk, and will put up the necessary bonding. The developer understands that it cannot open without all of those permits and cannot do any road work without the HOP. The developer hopes to start construction in the spring. They will satisfy the Township Engineer's and MCCD letter prior to recording of the Plan.

Attorney Gaul stated that he is not familiar with a municipality permitting a developer to record a Final Land Development Plan without meeting the required conditions, including outside agency approvals. One of the issues is, also, that Tractor Supply does not own the land, and when you record a final plan you must own the land.

Mr. Sewald stated that they expect to have the HOP by the end of the year. Mr. McDermott stated that the NPDES permit should also be issued by the end of the year as well. Mr. Sewald said that the developer will not be able to receive a PA American Will=Serve letter until spring 2022, because the PUC will need to approve the addition of this parcel to PA American's service area. There was discussion about what other alternatives the developer could have in addition to central water. Mr. Sewald stated that the developer would have to install a well and water tank on site. Mr. McDermott suggested that the developer could possibly depict that option on its Plan, in order to get the Plan approved and recorded, but then proceed later with the central water option if it becomes feasible. Attorney Gaul agreed that using a water well and tank, and providing the necessary bond, may be a way to proceed now, with the developer continuing to explore the central water option later.

There was discussion regarding possible flexibility by merely granting approval of a preliminary plan approval vs. conditional final approval. However, Mr. McDermott stated they cannot build a building with a preliminary plan approval. He also stated that they will have to come back before the Board of Supervisors because this plan is not ready for conditional approval.

The lot consolidation plan also requires significant information. There are two lots with two different owners. Attorney Gaul asked who will own the lot once it is consolidated. Mr. Fioretti said the developer would own the lot. Attorney Gaul stated that the township can adopt a resolution in order for them to close on the property. Mr. McDermott stated that the lot consolidation plan has to be recorded first, then the land development plan. However, we need to know who the owner is for the land development notes. Mr. Sewald stated that they will comply with the township engineers' letter and agrees that the lot consolidation plan needs to be done.

Mr. Sewald is seeking some type of conditional approval. Attorney Gaul stated he does not see any urgency for this matter this evening as they are still waiting on the outside agency approvals. He also stated the lot consolidation is not in final format for recording purposes and should be submitted for review and approvals.

After further discussion, Attorney Gaul and Chris McDermott both stated that the preliminary/final land development plan and lot consolidation plan need to be redone and brought back in before the Board of Supervisors.

Design aspects were discussed. The islands in the parking lot were discussed to include landscaping and Mr. Sewald stated that he will provide those details to the one closest to the entrance and in front of the building.

Mark Oney stated that the July 11, 2021 review letter to the MST Planning Commission from Chris McDermott is basically the same letter we are reviewing this evening that is dated October 11, 2021 Review #2. No attempt was apparently made in the last three months to address the Township Engineer's comments.

Debbie Kulick asked if there is an architecture rendering of the building. Copies of the proto-type building showing the elevations was provided. The Supervisors stated that the photo is acceptable to present in lieu of architecture renderings as they would have to be created.

Chris McDermott suggested that a viable water source, outside of the PA American Water area be shown on the plan.

Attorney Gaul stated that they could provide a conditional approval of the plan with a "Will Serve Letter" from PA American Water, but he anticipated that PA American Water will not issue that letter without the PUC approval. The water utility will-serve letter is a requirement of the Township SALDO, and not merely an outside agency approval. The requirement must be fulfilled prior to final approval and recording of the plan.

Mr. Sewald asked for any additional design suggestions and comments be emailed to him or be discussed now. No one had any design suggestions at this time. Mark Oney asked that the open feed area be shown and to show what is covered compared to what is not covered.

The fencing shown in the open area is galvanized chain link, and mesh/chicken wire is around the two basins with post and rail fencing.

Annette Atkinson made a motion to table action on the Tractor Supply Preliminary/Final Land Development Plan until the next meeting. Mark Oney seconded the motion. Motion passed 3-0.

### **Old Business**

None

### **New Business**

Authorize & Direct Special Projects Engineer, Ben Kutz, P.E. of Gilmore & Associates to Review and Submit PennDOT Applications on Behalf of the Township; Annette Atkinson made a motion authorizing and directing Ben Kutz, P.E. to review and submit PennDOT applications on behalf of the Township. Mike Dwyer seconded the motion. Motion passed 3-0.

Authorize the Secretary to Advertise the Notice of Intent to Appoint Certified Public Accountants to Replace Elected Township Auditors to Make an Examination of all the Accounts of the Township and its Officers for the Fiscal Year 2021; Annette Atkinson

made a motion to authorize the Secretary to advertise the Notice of Intent to appoint a CPA to replace the elected auditors to make an examination of all the financial account of the township and its officer for the fiscal year 2021. Mark Oney seconded the motion. Motion passed 3-0.

Trick or Treat Hours; Annette Atkinson made a motion to set the hours of 4pm-7pm on October 31, 2021 as the 2021 Trick or Treat Hours.

#### Newly Hired Personnel

Annette Atkinson made a motion to hire Kylie Medrano as the Director of First Impressions (receptionist) due to the resignation of Antoinette Heitmann. Mark Oney seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to ratify the employment of Harry Hine as a seasonal employee on June 1, 2021 to complete a project to October 13, 2021. Mike Dwyer seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to hire Harry Hine as a Public Works Department Building and Maintenance employee. Mike Dwyer seconded the motion. Ms. Atkinson stated that although the Township Supervisors don't always agree on every matter, which is the case on this matter, she is excited to have someone with Mr. Hine skills which include routine maintenance, plumbing, HVAC, carpentry, and electrical wiring. However, she prefers different terms of employment and votes "no" to hiring Mr. Hine as a full time PWD employee. Ms. Atkinson stated that she would prefer something different than an hourly full-time employee, and objects to some of the other employment conditions. Motion passed 2-1, with Annette Atkinson voting no.

#### **Public Comment**

Robert Weseloh of LTS Home, LLC asked to discuss the Stormwater Agreement documents with the Supervisors and Attorney Gaul regarding Highland Oaks Subdivision.

Attorney Gaul stated the only outstanding issue is to determine what the escrow amount would be for the stormwater facilities. After lengthy discussion Mr. Weseloh stated that he will provide a check in the amount of \$12,000 (12 lots) and he and his attorney Marc Wolfe will finalize the Stormwater Agreement and provide the required checks to the township in order for the plans to be signed. No motion is required.

Mr. Ed Regina asked if the Township has received any correspondence from PennDOT with regard to the extension of Hollow Road. No one has received anything from PennDOT.

Jim Feriosi stated that he attended the MST Planning Commission meeting and felt this was a repeat of that meeting. He asked if there is a traffic study for the Tractor Supply

land development plan. Mr. McDermott stated that this particular development does not trigger a traffic signal based on PennDOT's requirements.

**Adjournment**

Annette Atkinson made a motion to adjourn the meeting at 8:59pm. Mark Oney seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell, Township Secretary  
October 14, 2021

**General fund**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
20021	Clean Team, Inc.	Inv. 72875 Cleaning Service - September	505.00
20022	cash	Cash for Fall Clean-up Banks	400.00
20023	PMRS	45-027-5N Admin Fee	20.00
wt	BMO Bank of Montreal	September Credit Card Charges	6,563.75
82614224	Met Ed	100136420260 Library-Cultural Center (9/7-10/5)	2,274.46
82760787	Met Ed	100141712313 Pongside Drive (9/8-10/6)	23.72
82760375	Met Ed	100138495898 Echo Lake (9/7-10/5)	22.92
82760323	Met Ed	100124280825 Oak Grove light (9/10-10/10)	33.11
82760226	Met Ed	100114051681 Bark Park (9/7-10/5)	21.12
82758235	Met Ed	100073577916 Sellersville Light (9/8-10/6)	34.50
82758180	Met Ed	100069220836 River Rd light (9/7-10/5)	21.14
82758104	Met Ed	100036091245 bldg b (9/9-10/7)	344.95
82758017	Met Ed	100016951467 bldg A (9/9-10/7)	473.77
82757958	Met Ed	100016915751 Municipal light (9/9-10/7)	26.79
20025	Georges Quickstop Cafe	Inv. 232 - Diesel	97.51
20026	AFLAC	Insurance Acct. Y2051 - October	384.26
20027	Alura Business Solutions LLC	Inv. 38711, 38732	2,267.50
20028	Alyssa Fedor.	Security Refund - Pavilion Rental 10/2 - Ressica Park	50.00
20029	Amanda Miller	Security Return - Pavillon Rental - Echo - 9/26/2021	50.00
20030	American United Life Insurance Company	G00612999 10/1/2021 - 10/31/2021	2,315.39
20031	Blue Ridge Cable	Inv. 0377113-01 (10/13-11/12)	62.56
20032	Cedarville Engineering Group, LLC	Inv. 12929 Grant Services	875.00
20033	Claude S. Cyphers, Inc	Inv. 713021, Short Payment on Chk 19948	226.39
20034	Clean Team, Inc.	Inv. 72875 Cleaning Service - October	505.00
20035	Corporate Protective Services	Inv. 886 Armed Guard 9/23	75.00
20036	Cramer's Home Center	Account 2238920	3,187.65
20037	Dailey Resources, LTD	Inv. 161629 Cyclinder	11.00
20038	Francis Smith & Sons	Inv. 221880 Repairs	3,119.67
20039	Gotta Go Potties, Inc	Inv. 200077, 200078, 200294, 200340, 200341	495.00
20040	Hess Copy Center.	Inv. 46062 Copies	13.50

20041	Jennifer Smalley.	Security Refund - Pavillon Rental Resica Park 9/25/2021	50.00
20042	Klingels Farm	Pumpkins for 2021 Trunk or Treat	900.00
20043	Lewis ACE Hardware	Inv. 2220/1,2240/1,2241/1,2242/1,2246/1,2248/1,2262/1,2264/1,2284/1	372.09
20044	M.S.T.S.D.	Inv. MS-0034-0-0, MS-0032-0, MS-0085-0, B01-0007-0	1,225.00
20045	Martin Truck Bodies Inc.	Quote 16402 - 2022 Ford F-350 Utility Body	13,881.00
20046	Michele L. Clewell	Reimbursement for Notary Recording	33.50
20047	Miggys Five	Acct. 15	147.35
20048	MRM Property & Liability Trust	Inv. 381414 Commercial Package 11/4/21-11/4/22	63,557.00
20049	NAPA Auto Parts PA Municipal Health Insurance Cooperative	Inv. 2717-063886, 071292, 074285, 072334, 093322, 106161	908.71
20050		Inv. 66621-0 - October Health Insurance	79,205.17
20051	PA One Call System, Inc.	Inv. 923825 Month Activity Fee	46.53
20052	Pennsylvania American Water	1024-210033478776, 1024-220008909318	176.93
20053	PMRS	45-027-5N State Aid	18,704.30
20054	Raven Entertainment	PR21-042 Ballon Twister for Trunk or Treat	275.00
20055	Reilly Associates.	Invs. 8/22/2021	20,402.50
20056	RICOH USA, Inc	Inv. 5062925099 Additional Copies	1,768.07
20057	Sara-Marie Puopolo.	Security Refund - Pavilion Rental 10/2 - Echo Lake	50.00
20058	SFM Consulting LLC	Inv. BC-010, Z-010, U&Os-10	19,661.54
20059	Smithfield Township	Mt. Nebo Park Bridge, Insurance	20,523.27
20060	Spring Hill Laser Service's Corp.	Inv. 1021-603 Dec. 15th Tax Bill Inserts	152.00
20061	SROSRC	Inv. 23 Pool Passes	315.00
20062	Staples Advantage	Inv. 3488597998, 3489547928, 3489800143	466.37
20063	Suburban Propane-2753	Inv. 542766, 526663	3,062.13
20064	Sun Litho Print	Inv. 44595P, 44594	470.00
20065	Super Heat, Inc	Inv. 105118 Mun. Bldg. Meeting Room A/C Not Working Rental & Security Return - Pavillon Rental - Echo - 10/23 - Cancelled	575.82
20066	Tracy Tumminello		100.00
20067	Verizon Wireless	Inv. 9884386684 Cell Phones (8/19-9/18)	294.15
20068	Waste Management	Inv. 3580929-0203-2 Dumpsters (10/1-10/31)	771.49
20069	Zelenkofske Axelrod LLC	Inv. ARP-1076 1st payment for Professional CPA Admin Services	9,188.00
20070	M.S.T.S.D.	Sewer Payment for YABARAGUIY Acct B01-0007-0 Direct Deposited by County of Monroe	1,125.25

**TOTAL: 282,908.83**

### Sewer fund

Num	Name	Memo	Credit
14759	AT&T	0195333847001	45.13
14760	Evoqua Water Technologies		13,522.72
14761	GILMORE & ASSOCIATES, INC.	September	4,645.20
14762	Link Computer Corporation	147444	589.36
14763	Middle Smithfield Township General Fund	7/1/21-9/30/21	21,796.09
14764	Mission Communications, LLC	1056465 - New Alarm System at PS#5	407.40

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14765	PA ONE CALL SYSTEM, INC.	923829	51.92
14766	PENNSYLVANIA AMERICAN WATER	1024-210031497597 - Sellersville Hydt	16.83
14767	PROSSER LABORATORIES, INC.	July	41,677.85
14768	WASTE MANAGEMENT	3583042-0203-1	3,326.18
14769	MET-ED	100044863148 - WL Island View	27.04
14770	MET-ED	100018446334 - PS#3 McCole & 209	52.40
14771	MET-ED	100018440378 PS#4 Maple Ln	275.10
14772	MET-ED	100018442556 - PS#7 McCole & NP	98.04
14773	MET-ED	100081035618 - Lift Station	21.34
14774	MET-ED	100018448652 - Main STP	3,883.07
14775	MET-ED	100089058661 - Rt 209	20.95
14776	MET-ED	10016629691 - Sleepy Hollow Fairway	152.39
14777	MET-ED	100076523768 - WL Mtn Pass	570.49
14778	MET-ED	100080913799 - Off Sleepy Hollow	100.18
14779	MET-ED	100080916826 - WL Clubhouse Dr	33.17
14780	MET-ED	100080920901 - Tree Tops	<u>30.84</u>
			91,343.69

#### Golf fund

Num	Name	Memo	Amount
61806	Banko Beverage	Beer	240.09
82758711	Met-Ed	100104048101 pump house doral crt (9/10-10/10)	20.08
82758638	Met-Ed	100085171773 guard shack (9/9-10/7)	84.87
82758568	Met-Ed	100081784231 Big Ridge Drive (9/9-10/7)	40.52
82758509	Met-Ed	100081748863 Golf Maint Bldg (9/8-10/6)	96.25
82758377	Met-Ed	100081748855 pump house tomx rd (9/10-10/10)	215.09
82758308	Met-Ed	100081748848 clubhouse (9/10-10/10)	943.15
61825	ABC Trophy Stroudsburg	Ray White Memorial Plaque	1,908.04
61807	Blue Ridge Communications	Acct. 0109950-03 Internet (10/5-11/4)	49.95
61808	Cintas Corporation	Inv. 4094609719 - Cleaning - October	140.10
61809	Claude S. Cyphers, Inc.	Inv. 712583, 712649	304.22
61810	Cramer's Welding & Repairs	Inv. 443614 Repair Weld Aluminum Cyclinder	90.00
61811	Gotta Go Potties	Inv. 200420 Porta Potties (8/19-9/16)	180.00
61812	Ingrid Colon.	Whispering Pines Deposit Return for 10/2 Rental	250.00
61813	Lewis Ace Hardware	Inv. 2265/1 Supplies	68.52
61814	M.S.T.S.D.	Inv. br-amenty3-0	1,575.00
61815	Miggy's Corp 5	Act. 15	484.77
61816	Mitchell Products	Inv. 41433 Sand	1,138.55
61817	MST 2012 G.O.B.	monthly installment for 2012 GOB	863.02
61818	PA American Water	Acct. 1024-210033261244 (9/4-10/6)	165.77
61819	Pepsi-Cola	Inv. 54021706 Soda	256.64
61820	R&R Products	Inv. CD2605512 Parts	646.00
61821	Stacyann Harriott	Whispering Pines Deposit Return for 10/31 Rental	250.00

61822	Suburban Propane	Inv. 526684, 526685, 526686	1,965.51
61823	Waste Management	Inv. 3581973-0203-9 Golf Maintenance Bldg.	1,571.84
61824	Central Jersey Equipment	Inv. 1278346 Parts	107.97

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**TOTAL: 13,655.95**