



**MIDDLE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS
DECEMBER 29, 2021 MINUTES**

A special meeting of the Middle Smithfield Township Board of Supervisors was held on Wednesday, December 29, 2021 at 10:00 a.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 attendees.

Board of Supervisors present; Annette Atkinson, Mark Oney and Mike Dwyer. Also in attendance, Township Alternate Solicitor Patrick Armstrong, Esq., through "ACT", in person, Township Secretary Michele Clewell.

Public in attendance; Marshalls Creek Fire Department, Fire Chief John Touhy, Asst. Fire chief Jerry Grafasl, Tuck Rode, Nick Dennis, Gary VanHorn, and Norm Fish.

The meeting was called to order at 10:00 a.m. by Chairman Annette Atkinson and was opened with the Pledge of Allegiance.

Approval of Agenda, and any Amendments

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

New Business

Lease Purchase Agreement with Motorola Solution, Inc.: Pat Armstrong, Esq, stated that a week ago the agreement was forwarded to him to review for new radios for Marshalls Creek Fire Company ("MCFC"). He stated that comments and concerns with the Lease Purchase Agreement provided by Motorola Solutions, Inc. were provided and discussed during conference call with the Board of Supervisors as well as a member of the MCFC and Motorola Solutions, Inc.

Attorney Armstrong stated that one question the Township had was why the lease purchase agreement for the radios could not be directly between Motorola and the Fire Company. Motorola had indicated that it is possible to have the agreement between the Fire Company and Motorola, but that it would have to be arranged differently. Mr. Armstrong also stated that he has forwarded his comments and suggestions to Motorola and hasn't heard back from them. He believes that the Supervisors may take the position that the Township wants the Fire Company to enter into the lease purchase agreement with Motorola directly.

John Tuohy stated the MCFC is proceeding to enter into the Lease Purchase Agreement with Motorola. Mike Dwyer commended them and also stated that all the Townships

are struggling with the time frame given to them by Motorola Solutions, Inc., to approve the document in order to receive the lower costs.

Mr. Dwyer stated that he spoke with Jacob Pride, Smithfield Township Supervisor and they tabled taking action on the agreement, knowing they will face an increase in January for the costs of the radios. Christine Wilkins, Stroud Township Supervisor also told him that their Board meets today and will probably follow the same route. Motorola will not budge on their requirement to sign the document by December 29, 2021.

Mike Dwyer stated he prepared a document that he believes what the exposure is to the Townships. He stated that Middle Smithfield Township shares exposure with Smithfield Township & Price Township for the MCFC, Smithfield Township for the Shawnee Fire Company, Delaware Water Gap for the Shawnee Fire Company and with Lehman Township for the Bushkill Fire Company, as Middle Smithfield Township has (3) fire companies that service the Township. "MST" also needs to figure in the exposure with Smithfield Township and Price Township for the Bushkill Emergency Corp for EMS.

Mike Dwyer stated that the estimated exposure for MST that he prepared and is available to anyone that would like to see it, would be around \$86,800.00.

Mr. Dwyer stated that spoke to John Moyer, Monroe County Commissioner, 10 days ago and he was on board and thought the county would participate in the 1/3, 1/3 and 1/3 share. (1/3 of the costs would be the Township, 1/3 County and 1/3 Fire Department(s).) Mike Dwyer also stated that Sharon Laverdure was at Pocono Mountain Council of Governments meeting on December 27, 2021 and she too nodded in agreement that the Commissioners are proceeding. Mike Dwyer spoke to Gary Hoffman, Director of Communications Monroe County Public Safety Center, last night and he provided two pages of memo. Everyone is operating under the assumption that the Townships will pick up a 1/3, County 1/3 and Fire 1/3. Mr. Dwyer stated that we need to know what is the absolute cost of what the base model of the radios would be, not the Cadillac version. Bottom line is the County wants to know what the proposed costs are for everyone.

John Tuohy stated that the fire companies also received the memo from Garry Hoffman regarding the specifications; however, Mr. Hoffman did NOT include the costs of the handheld radios, which is one of the most important tools for the fire departments.

Mike Dwyer stated that the Township consultant Zelenkofske Axelrod, LLC said the radios cannot be a direct purchase from the American Rescue Plan fund money received from the Federal Government. However, townships can reimburse their General Fund accounts for any lost revenue due to Covid, such as a loss in tax collection. The finalized Federal regulations on what is allowed have not been released yet.,

Mark Oney stated that we need to get an agreement together of what will be funded, and who all the participants are, and what their portions will be and all the Fire and EMS companies should have an agreement. Mr. Oney stated that a concern was if MST signed the agreement for MCFC, then everyone would come to Middle Smithfield, regardless of what the County does. Mike Dwyer said he and Gary Hoffman have been working on getting a list together, so we have what the needs, criteria and costs are going to be. In the estimate prepared by Mike Dwyer, he stated that a guestimate of the cost to the County is \$ 7.5 million for their 1/3 portion of the upgraded radios.

Tuck Rhode said that Delaware Water Gap Borough cannot fund any of it.

Mike Dwyer stated that he would like to attend a fire chiefs meeting and will invite Commissioner John Moyer to attend. Nick Dennis said they could set it up.

John Tuohy stated they bought the Township and County some time with the MCFC purchasing these through the lease agreement. The lease purchase agreement is 0% interest the first year (2022 being Year 1).

Mike Dwyer said no action is required by the Board of Supervisors today as the MCFC signed the lease. He stated that they should continue to let us know how it progresses with Motorola Solution, Inc., and if it falls apart we can get Pat Armstrong involved.

Annette Atkinson stated that a Universal Agreement is needed but who will lead this. Attorney Armstrong stated that a Universal Agreement with the Townships and County for the payments is a good idea. He stated that the Townships that tabled action are the ones who are looking for it sooner than later and will want to make sure others Townships are committing to the funding.

Mike Dwyer asked Attorney Armstrong, how we get the other Township's to give us consensus to move forward in order to present to the County Commissioners. He said it's a matter of someone putting pen to paper and circulate the Universal Agreement between the Townships. He again said the Townships that have tabled decision, are the ones to do this.

Mark Oney stated that the memo from Gary Hoffman does not break it up in thirds the way it reads. The County is going to want an inventory of how many radios per fire/ems company, and costs.

Norm Fish asked Mike Dwyer to continue working on this on their behalf; they truly appreciate all the work he has done on their behalf.

Annette Atkinson asked who is going to drive the Universal Agreement and the memo from Gary Hoffman needs work. Attorney Armstrong stated the Townships that tabled action on the Lease Purchase Agreement from Motorola Solutions, Inc. are the ones to

drive the Universal Agreement, and if not, he can draft an agreement, but again stated they are the ones that need to do it.

Mike Dwyer stated that he is happy to continue being the shepherd the project. Gary VanHorn stated that if he doesn't do it, then no one else will.

Mark Oney suggested the Board of Supervisors should schedule a meeting with the County Commissioners in order to provide them with an update on the discussion with regard to the radios based on this meeting. Mr. Dwyer stated that he will speak to John Moyer to put this together.

The Board of Supervisors took no action.

Public Comment

None

Adjournment

Mike Dwyer made a motion to adjourn the meeting at 10:51 a.m. Mark Oney seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell
Township Secretary
December 29, 2021