



## Middle Smithfield Township Board of Supervisors December 30, 2021 Minutes

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Thursday, December 30, 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. No one participated through "ACT".

Board of Supervisors present: Annette Atkinson, Mark Oney and Mike Dwyer. Also present were Township Solicitor Michael Gaul, Esq., Christine Himmler for Chris McDermott, Township Engineer, and Township Secretary Michele Clewell.

Residents and Public; President of the Bushkill Emergency Corp Debbie Kulick, Ed Regina, and Elected Auditor Regina Ireland-Auer.

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 approve the posted agenda with an amendment to add under New Business a new agenda item "d" concerning the Township's approval of Opting-in to the Attorney General's Opioid Settlement with certain opioid manufacturers and distributors, as requested by Monroe County. The reason for the addition is that the approval is time sensitive. Mike Dwyer seconded the motion. Motion passed 3-0.

### **Approval of the December 2, 2021 Minutes**

Mark Oney made a motion to approve the December 2, 2021 minutes. Annette Atkinson seconded the motion. Motion passed 3-0.

### **Report of Executive Session(s)**

Attorney Gaul stated that an executive session was held prior to the meeting to go over pending legal matters with the Township Solicitor.

### **Announcements**

None

### **Correspondence**

A letter was received from Kris Trojak, thanking the Public Works Department on the swift resolution of the cul-de-sac road issues.

A letter was received from Dave & JoAnn Mahon thanking the Public Works Department for the water and drainage road work that was completed.

### **Treasurer's Report**

Mike Dwyer stated that Bonnie Winters, Budget & Finance Manger, and he met with the Board of elected auditors on the budget and feels comfortable with the work that was done.

RESOLUTION 12-2021-5; A RESOLUTION OF THE TOWNSHIP OF MIDDLE SMITHFIELD, COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE 2022 BUDGET AND FIXING THE TAX RATE FOR THE YEAR 2022.

Mike Dwyer made a motion to approve the 2022 Budget and Tax Levy Resolution 12-2021-5, adopting the proposed budget as a final budget, and levying taxes on real estate at the tax millage rate of 1.75 mills, which is the same tax rate as the previous year. Annette Atkinson seconded the motion. Motion passed 3-0.

Mike Dwyer made motion to approve the general fund payables in the amount of \$84,966.17. Mark Oney seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the sewer fund payables in the amount of \$60,683.99. Annette Atkinson seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the golf course payables in the amount of \$16,010.56. Mark Oney seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the liquid fuels payables in the amount of \$3,325.26. Mark Oney seconded the motion. Motion passed 3-0.

### **Solicitors Report**

Attorney Gaul stated there is no report but expressed his thanks for the opportunity to serve as the Township Solicitor, and to work with this Board of Supervisors, who are a fabulous group, and dedicated to the Township, as well as prior Board member Mitchell Marcus, and the Township staff.

### **Engineers Report**

Tractor Supply Preliminary/Final Land Development Plan; No one from Tractor Supply was present for the meeting.

Christine Himmler stated that the Township Engineer had issued a review letter on the applicant's revised plan submission, and sent a copy to its engineer, Dynamic Engineering.

Attorney Gaul noted that the proposed HSC Marshalls Creek (Tractor Supply) Indemnity and Maintenance Agreement for Highway Occupancy Improvements (sidewalk) was an agenda item. He did not recall whether the Board had previously approved the agreement, and as a result, asked that the Board confirm its approval tonight. The escrow amount will be inserted later, but that would be based on the recommendation of the Township Engineer, and is expected to be a percentage of the installation costs, and is not expected to be larger number. As an example, the escrow for the WAWA agreement was \$5,000, and those HOP improvements included not just sidewalk improvements, but also drainage improvements.

Mark Oney made a motion to approve the substantial form of the HSC Marshalls Creek (Tractor Supply) Middle Smithfield Township Indemnity and Maintenance Agreement for Highway Occupancy Improvements, as presented, and its execution, with such modifications as the Township Supervisors deem necessary or convenient, including the required escrow amount, in consultation with the Township Solicitor and Township Engineer. Mike Dwyer seconded the motion. Motion passed 3-0.

Attorney Gaul stated that he communicated with Ben Kutz, P.E. special project engineer for the Township, and Mr. Kutz stated that he did not expect that an agreement for the sewer lateral improvements in the PennDOT ROW would be necessary, but that topic will be reviewed again later. Since the sewer lateral or part of it will or may be dedicated to the Township, the Township may want to consider conditioning any acceptance upon Tractor Supply providing a maintenance bond for a period of time, such as 18 months.

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

The time line to render a decision by the Supervisors on the plan is January 31, 2022. Michele Clewell will send the applicant's engineer notice to be at the January 13, 2022 meeting. Mike Dwyer stated that Tractor Supply's lack of progress on responding to the Township engineer's prior review comments may be an indication that conditional approval of the current revised plan is not warranted.

#### **Old Business**

None

#### **New Business**

Resolution 12-2021-6 Joinder Deed Edgardo Rodriguez; Mark Oney made a motion to approve Resolution 12-2021-6. Mike Dwyer seconded the motion. Motion passed 3-0.

Accept the Letter of Resignation from Javon Hilairre from the MST Parks & Recreation Committee; Mike Dwyer made a motion to accept Ms. Hilairre's letter of resignation

from the MST Parks & Recreation Committee effective December 17, 2021. Mark Oney seconded the motion. Motion passed 3-0.

Acknowledgement of Notification that Prosser Laboratories, Inc. Accredited Laboratory License Has Been Revoked by the PA Department of Environmental Protection; Annette Atkinson stated that Prosser Laboratories can collect samples but cannot test them. Labs that are performing the testing are Suburban Labs for the sewer and Kirby for the public water systems.

**Item “d”**

Opt in to the Attorney General’s Opioid Settlement. Attorney Gaul explained that the Pennsylvania Attorney General is participating in a class action lawsuit against certain opioid manufacturers and distributors, along with other states or municipalities. The parties have reached a proposed settlement agreement. Settlement monies will be divided up, in part, based on the severity of harm each state has suffered as a result of the opioid epidemic. The money must be used for remedial programs. Monroe County will receive an allotment of funds, the size of which is dependent the number of certain municipalities in the County that approve the settlement, including Middle Smithfield. Attorney Gaul previously circulated to the Board the proposed settlement documents, and his firm’s comments. The deadline for participation in the settlement is currently January 2, 2022, but there may be some flexibility with that deadline. While MST is not receiving, directly, any funds under the settlement (because it has no remedial programs, and has not filed any claims against the defendant opioid companies), Monroe County will received funds, and MST residents may be able to participate in County programs

Attorney Gaul stated that his understanding is that Monroe County is expected to receive approximately \$350k a year for the next 18 years.

Debbie Kulick asked if the County will reimburse ambulance companies for unpaid bills resulting from cases of opioid use. Mike Dwyer stated there are guidelines, but she should definitely send a letter to the County Commissioners requesting reimbursement, and if she would, send a copy to Mike Dwyer.

Annette Atkinson made a motion to authorize opting in to the Attorney General’s Opioid Settlement, as requested by the County, and to authorize Annette Atkinson, Chairman to sign the settlement documents, which include (1) Subdivision Janssen Settlement Participation Form, (2) Pennsylvania Subdivision Intrastate Allocation Participation Form, and (3) Subdivision Distributor Settlement Participation Form. Mike Dwyer seconded the motion. Motion passed 3-0.

**Public Comment**

Debbie Kulick asked about the Motorola agreement with the Marshalls Creek Fire Company. Mike Dwyer explained the Supervisors had a meeting with them yesterday, and the MCFC entered into the agreement with Motorola in order to acquire radios that

will be compatible with the digital system the County is implementing. Mr. Dwyer stated that he has quotes and estimates from the EMS and Fire companies and the hope is to split the costs 1/3 to the Townships, 1/3 to the County and 1/3 to fire companies\EMS providers. Middle Smithfield Townships' expense is estimated to be \$80k.

Ms. Kulick asked if Mr. Dwyer would like to be involved with the ambulance association meeting at the end of January in order to explain what the Township is doing and what it hopes to achieve. He said yes, he would be happy to attend.

Judy Acosta thanked Attorney Gaul for all the time they have worked together and expressed her thanks for all his help.

Regina Ireland-Auer stated on behalf of the other auditors, thank you to Mike Dwyer, Michele Clewell, Bonnie Winters and Michael Gaul as the keeper of the peace candle light.

The Board of Supervisors thanked Attorney Gaul for his service to the township over the last decade; you will truly be missed.

**Adjournment motion**

Mike Dwyer made a motion to adjourn the meeting at 7:53 p.m. Annette Atkinson seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell  
 Township Secretary  
 December 30, 2021

**General fund**

<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Amt.</b>
20191	Boots & Hanks	PO # PW21-474 - Fuel Tank	500.00
20192	Sun Litho Print	Deposit for Business Directory	2,000.00
20193	A.J. Smith Electric Motor Service	Inv. 37599, 37602	527.50
20194	Ace Trucking & Repairs, Inc	Inv. 20850, 20860, 20912	210.00
20195	AFLAC	Inv. 165667 - Dec. 2021	384.26
20196	Alura Business Solutions LLC	Inv. 38928 Services	150.00
20197	Amazon	6045787810579207 Supplies & Equipment	1,951.13
20198	Autozone	Inv. 6787448483, 6787453798	118.54
20199	Bradco Supply Co	Inv. 210935 Curb Bumpers	295.00
20200	cash.	Gift cards & Activation fees	668.00
20201	Christopher Rain..	Tree Lighting Mileage 11/19/2021	16.52
20202	Claude S. Cyphers, Inc	Inv. 714701, 714819, 715167	543.91

20203	Clean Team, Inc.	Inv. 77734 Cleaning Service - December	505.00
20204	Corporate Protective Services	Inv. 921 Armed Guard 11/18	75.00
20205	Cramer's Home Center	Supplies	477.14
20206	Dailey Resources, LTD	Inv. 163994 Cyclinder	11.00
20207	Dawn M. Arnst Tax Collector	Tax Collector - Annual PO Box Fee	322.00
20208	DES-CPR, Inc	Inv. 64114 Cleanup Shredding	1,000.00
20209	E.M. Kutz	Inv. 34426 Parts	3,195.88
20210	Edward Plue	Inv. 2021 Holiday Decorating	950.00
20211	Elarbee, Thompson, Sapp & Wilson, LLP	Inv. 937858, 937859	741.00
20212	Eureka Stone Quarry	Inv. 454794 Road Material for Fire House	511.62
20213	Future Signs	Inv. 966201 Truck Decals	400.00
20214	Gotta Go Potties, Inc	Inv. 202166, 202167, 202123	315.00
20215	Grainger, Inc.	Inv. 9121658802 Paper Towels	142.27
20216	Hunter Keystone Peterbilt, LP	Inv. R210010635:02, R210011018:01, X2210162110:01, X210160427:02	113.00
20217	Kimball Midwest	Inv. 9404320 Parts	144.96
20218	Lawson Products, Inc.	Inv. 9308981146, 9308990105, 9308999796	452.47
20219	Leon Clapper, Inc.	Inv. 30033 Air Compressor on Water System	4,520.00
20220	Lewis ACE Hardware	Inv. 2374/1 Surge Protectors	19.18
20221	Marshalls Creek Quarry	Inv. 001-B-101M-0001373, 0001401, 0001453, 0001476	2,339.44
20222	Marx Sheet Metal & Mechanical Inc	Inv. S0123 - HVAC Repair - Library/Cultural Center	1,429.00
20223	Miggys Five	Acct. 15	47.46
20224	Minuteman Press of Stroudsburg	Inv. 27668 Tree Lighting Banner	630.00
20225	NAPA Auto Parts	Inv. 2717-115898, 2717-116275	511.44
20226	Northeastern Pennsylvania Alliance	2022 Membership M12530	275.00
20227	Old Dominion Brush	Inv. 7812942 Switch Door Latch	64.87
20228	Panko Reporting	Inv. 40006 jh - ZHB Salame Investment	897.05
20229	Pennsylvania American Water Pennsylvania Lawn & Landscape LLC	Inv. 1024-210033478776 (10/29-11/29)	151.70
20230	Pike County Dispatch	Inv. 125624 Lights, Timers & Install Tree Lighting	9,114.31
20231	Pike County Dispatch	Inv. 921 Armed Guard 11/18	57.00
20232	PMRS	45-027-5N Pension November	11,107.39
20233	Quill LLC	Inv. 21007010 File Cabinet for MLC	4,233.99
20234	Rachel Heller.	Reimbursement for 2010 Mack Title & Tag Fees	114.24
20235	Ray Price Stroud Ford	Inv. 5015853 Parts	111.52
20236	Regina Farms	Inv. 30968, 30997	481.59
20237	Steve Shannon Tire co	Inv. 16057741 Ambulance Tires Truck 322	1,174.20
20238	Suburban Propane-2753	Inv. 506791, 506792 Inv. 44718 Holiday Shopping Directory & Shop Local Discount Card	1,824.23
20239	Sun Litho Print		12,440.00
20240	Super Heat, Inc	Inv. 104458 Maintenance Garage Blower Assemly Unit	2,675.00
20241	Verizon	Inv. 556-475-982-0001-45, 356-478-200-0001-39	84.56
20242	Waste Management	Inv. 3588478-0203-2 Dumpsters (12/1-12/31)	675.99
20243	West End Equipment	Inv. 135706 Cable Assy	175.08
20244	cash.	To Cash Joe Memoli Adopt a Family Donation Check #7208	100.00
20245	Verizon Wireless Middle Smithfield Township 2019	Inv. 9893139124 Cell Phones (10/19-11/18)	245.42
20246	GOB	2019 GOB Payment	12,545.31

20248 Leroy Lewis

Contracted Maintenance - Dog Park

200.00**TOTAL: 84,966.17**

## Sewer fund

Num	Name	Memo	Credit
2608984	VERIZON	4507337570001 - PS#4 Maple Ln	38.40
2609076	VERIZON	4507337580001 - PS#3 McCole & 209	38.40
2609078	VERIZON	2507337590001 - PS#7 McCole & NP	38.40
2609095	VERIZON	2503950510001 - PS#6 Sellersville	41.23
2609069	VERIZON	2507337600001 - PS#8 LOTP	38.40
2609082	VERIZON	4507337600001 - PS#2 Fairway Villas	38.40
2609036	VERIZON	4507337690001 - WL Mtn Pass	35.44
2609045	VERIZON	2503951810001 - PS#9 Oak Grove	42.85
2609039	VERIZON	3507337720001 - Main STP	87.60
2609013	VERIZON	2503952040001 - PS#10 BRD	41.23
14838	ALLSTATE SEPTIC SYSTEMS, LLP	368583	250.00
14839	AT&T	0195333847001	44.19
14840	GILMORE & ASSOCIATES, INC.		390.00
14841	Graymont Capital Inc.	483772	6,094.00
14842	KING SPRY HERMAN FREUND & FAUL	162765	1,133.00
14843	PA ONE CALL SYSTEM, INC.	931473	41.30
14844	PROSSER LABORATORIES, INC.	529301	1,185.60
14845	WASTE MANAGEMENT	3598289-0203-1 - November Bill	3,388.86
14846	WG MALDEN	18994	1,375.50
14847	Xylem Water Solutions	3556C01272 - New Control Panel - PS#5	38,320.50
14848	GILMORE & ASSOCIATES, INC.	215726 - BRD Sewer Relocation	887.23
14849	MET-ED	10044863148 - WL Island View	27.84
14850	MET-ED	100016914275 - PS #5 Municipal & 209	275.66
14851	MET-ED	100018446334 - PS#3 McCole & 209	48.13
14852	MET-ED	100018440378 - PS#4 Maple Ln	317.60
14853	MET-ED	100134596392 - PS#11 Mt. Nebo	110.33
14854	MET-ED	100016867432 - PS#8 LOTP	209.92
14855	MET-ED	100018442556 - PS#7 McCole & NP	132.43
14856	MET-ED	100081035618 - Lift Station	21.25
14857	MET-ED	100083606630 - PS#9 Oak Grove	96.59
14858	MET-ED	100018448652 Main STP	4,339.67
14859	MET-ED	100089058661 Rt 209	21.25
14860	MET-ED	100016629691 - Sleepy Holow	180.02
14861	MET-ED	100076523768 WL Mtn Pass	758.86
14862	MET-ED	100080913799 - Off Sleepy Hollow	102.80
14863	MET-ED	100044877809 - WL Clubhouse Dr	28.35
14864	MET-ED	100080916826 - PS#2 Fairway Villas	38.21
14865	MET-ED	100080920901 - Tree Tops	25.88

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14866	MET-ED	100018353951 - PS #6 Sellersville	320.98
14867	PENNSYLVANIA AMERICAN WATER	1024-210033589546 - Leroy In	60.96
14868	PENNSYLVANIA AMERICAN WATER	1024-210031497597 - Sellersville	<u>16.73</u>
			60,683.99

### Golf fund

Num	Name	Memo	Amount
wt	Vantiv Intg Pymt	Credit Card Fees	460.79
84154114	Met-Ed	100081748863 Golf Maint Bldg (11/5-12/6)	186.72
84187178	Met-Ed	100085171773 guard shack (11/9-12/7)	101.43
84187005	Met-Ed	100081784231 Big Ridge Drive (11/9-12/7)	21.24
61883	SynaTek	Inv. 260832 - Wetting Agent for Greens, Tees & Fairways	3,384.00
61884	PA American Water	1024210033261244 Clubhouse (11/6-12/6)	98.32
61885	Suburban Propane	Inv. 506881 Propane Golf Maint. Bldg.	273.17
84433644	Met-Ed	100104048101 pump house doral crt (11/10-12/8)	20.08
84433528	Met-Ed	100081748855 pump house tomx rd (11/10-12/8)	278.14
84433436	Met-Ed	100081748848 clubhouse (11/11-12/8)	938.69
61886	Claude S. Cyphers, Inc.	Inv. 715618 Parts	254.65
61887	Golf Car Specialties, LLC	Inv. SI170069, 170205, 170238, 170237	911.95
61888	Gotta Go Potties	Inv. 202917 Porta Potties (11/11-11/29)	115.56
61889	Grass Roots Turf Products	Inv. 856549 White/Green Tube & Border Plain Flags (9 sets)	575.80
61890	Grim, Biehn & Thatcher	Inv. 203689 PMA Golf Course Sale	486.00
61891	Hellers Gas, Inc.	Inv. 506500, 5301199	4,034.28
61892	Kevin Dixon	Expense Reimbursement	1,618.47
61893	Lili Clark.	Whispering Pines Security Return for 12/17 Rental	250.00
61894	Morgan, Hallgren, Crosswell & Kane, P.C.	Inv. 60276 JC Golf Course Sale	55.50
61895	MST 2012 G.O.B.	monthly installment for 2012 GOB	863.02
61896	Patricia Brink.	Whispering Pines Deposit Return for 12/18 Rental	250.00
61897	R&R Products	Inv. CD2624784 Front Roller	76.30
61898	USGA	ID 43695790 Member Club 2022 Dues	150.00
61899	Verizon	Inv. 250-732-879-0001-10, 881-001-73,882-0001-56	606.45
			<b>TOTAL: 16,010.56</b>

### Liquid fuels

Num	Name	Memo	Amount
10097	Locust Ridge Quarry	Inv. 001 B-119M-0001828 Anti-Skid	<u>3,355.26</u>
		<b>TOTAL:</b>	<b>3,355.26</b>