



**MIDDLE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS  
APRIL 6, 2023 MEETING MINUTES**

The regular meeting of the Middle Smithfield Township Board of Supervisors was held on Thursday, April 6, 2023 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 and those at the meeting, and they could be heard by the other attendees present at the meeting.

Board of Supervisors present; Annette Atkinson, Mark Oney and Mike Dwyer. Also, in attendance were Township Solicitor Patrick Armstrong Esq., Township Engineer Ben Kutz, P.E. and Township Secretary Michele Clewell.

Public in attendance; Debbie Kulick, President of Bushkill Emergency Corps, Eastern Monroe County Public Library board member Danny Younger, Wilson Pabon, & William Manning, Craig Todd, and Zack Plue on the Zoom platform

The meeting was called to order at 7:00 p.m. by Chairwoman 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 as written. Annette Atkinson seconded the motion. Motion passed 3-0.

**Approval of the Minutes**

Mark Oney made a motion to approve the March 23, 2023 minutes. Mike Dwyer seconded the motion. Motion passed 3-0.

**Report of Executive Session**

Attorney Armstrong stated that an executive session was held prior to the meeting to discuss real estate and litigation matters.

**Public Comment on Non-Agenda Items**

Danny Younger asked about the energy audit that was performed for the Community & Cultural Center. Mike Dwyer stated that the report and recommendations were sent to the contractor that installed the HVAC system and we are waiting to hear back from them.

Danny Younger asked how are we doing with the new gardeners. Ms. Atkinson stated that she will ask Christopher Rain to contact him with that information.

### **Announcements & Upcoming Events**

Annette Atkinson stated former Pocono Record reporter, David Pierce spoke this morning at the MST Historical Commission meeting about his newly published book titled "*Tocks Island: Dammed If You Do*".

Ms. Atkinson stated that the "Revitalize Route 209 Committee" is looking for members and if the public is interested to please send an email to Michele Clewell, Township Secretary.

Ms. Atkinson announced;

- Pat Griffin is hosting a "Sew Your Own Tote" class on Saturday, April 22<sup>nd</sup> at the Community & Cultural Center, cost of the supplies is \$60 and all proceeds will go to Mady's Angels.
- Mi Casa Es Tu Casa grand opening is projected for Saturday, April 15, 2023,
- Tractor Supply is expected to be open by the end of April 2023

### **Committee & Department Reports**

Annette Atkinson made a motion to accept the reports as presented. Mark Oney seconded the motion. Mike Dwyer stated that there are some minor edits required on some of the reports as they are not entirely correct. Motion passed 3-0.

### **Correspondence**

None

### **Bid Opening and Possible Award**

Spring and Fall Cleanup Containers; Mike Dwyer stated that upon further review of the bids received at the last meeting, he made motion to award the Spring and Fall 2023 Cleanup Containers bid to G&S containers at \$29.93 per cubic yard. Annette Atkinson seconded the motion. Mr. Pabon asked where is the company located. Mr. Dwyer said Olyphant. Motion passed 3-0.

### **Public Hearing**

Proposed Ordinance Amending the Middle Smithfield Township Code of Ordinances by Adding a New Chapter 134, Maintenance of Properties, Establishing Regulations for the Maintenance of Properties within the Township, Providing for Remedial Action by the Township in Specified Situations and Prescribing Penalties for Violations of the Regulations

Annette Atkinson made a motion to open the public hearing at 7:09 pm. Mike Dwyer seconded the motion.

Mr. Pabon asked if there was a public hearing prior to this one, Attorney Armstrong said no, this is the first public hearing on this proposed ordinance.

Motion passed 3-0 to open the public hearing at 7:09 p.m.

Annette Atkinson stated that at the last Supervisors meeting they, the Board of Supervisors were happy to pass the “Revitalize 209” resolution and “Revitalize 209 Committee” resolution. This reimbursement grant is for properties that face Route 209 and a way to improve their appearance.. This grant is for projects up to \$20,000 in size, with the township reimbursing up to \$10,000. This is an important step based on the Comprehensive Plan in order to make Route 209 the best it can be.

In tandem with the proposed Property Maintenance Ordinance on the agenda now, it will give more tools for the Zoning Ordinance to enforce litter, trash, maintenance and other eyesore issues at a greater level. The current ordinance, talks about unsafe properties, but is not specific enough to alleviate eyesores.

Attorney Armstrong stated that the public hearing public notice has been advertised in the Pocono Record as legally required, and posted at the township. Annette Atkinson stated that it was also posted on the township website in multiple places, and township Face Book pages and placed in the HOA message boards last week.

Mr. Pabon asked if the ordinance is for commercial and residential. Ms. Atkinson said it is for both. She also stated that the zoning office is complaint driven, meaning they don’t drive around the township looking for violations, they address and prioritize the complaints .

Mr. Pabon stated that everyone is overburden with taxes, and it is an unnecessary maintenance for property owners. He asked if this ordinance covers residents in private communities. Ms. Atkinson said yes it does, if someone calls in a complaint regardless of where the property is with Middle Smithfield Township, the zoning office will investigate the complaint. Mike Dwyer stated that the spirit of the ordinance is to try and keep the entire township as clean as possible, no junk cars, garbage, etc.

Mr. Pabon stated that more people should know about this ordinance as he only learned about it today on Face Book. Ms. Atkinson stated that the public notice ran in the Pocono Record paper and online, it was placed on the township’s website and Face Book pages and on the private HOA boards. Attorney Armstrong stated that Legally under law, the public notice was met and at other locations as well. Under the law, the notices are not required to be mailed. The Township has complied.

Annette Atkinson and Mike Dwyer both said that the residents and business owners are asking for this as a way to clean up the township.

Danny Younger asked if there is a property falling down, but no one has complained, what will the zoning office do about it? Annette Atkinson stated that if zoning is out doing an inspection and they pass it of course they can include that in their work and do something about it.

Debbie Kulick stated if there is an unsightly property but the property owner can’t afford to pay for the cleanup and the Revitalization grant program is only for Route 209, consider the

possibility to have a program that the township clean it up and come up with something to get some assistance to do that.

Annette Atkinson made a motion to close the public hearing at 7:36 p.m. Mike Dwyer seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to adopt the Middle Smithfield Township Code of Ordinances by Adding a New Chapter 134, Maintenance of Properties, Establishing Regulations for the Maintenance of Properties within the Township, Providing for Remedial Action by the Township in Specified Situations and Prescribing Penalties for Violations of the Regulations. Mike Dwyer seconded the motion.

Mr. Pabon asked the motion be tabled in order for more residents to be present.

Annette Atkinson made a motion to rescind her previous motion to pass the Maintenance of Properties Ordinance. Mike Dwyer seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to table a decision on the proposed Maintenance of Properties Ordinance until the next Board of Supervisors meeting April 20, 2023 at 7:00 pm. Annette Atkinson seconded the motion. Motion passed 3-0.

#### **Treasurer's Report**

Mike Dwyer made a motion to approve the general fund payables in the amount of \$105,071.20. Mark Oney seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the sewer fund payables in the amount of \$54,717.26. Annette Atkinson seconded the motion. Motion passed 3-0.

Mike Dwyer made a motion to approve the golf course payables in the amount of \$32,721.37. Mark Oney seconded the motion. Motion passed 3-0.

#### **Solicitors Report**

A Resolution Adopting an Amended Child Protective Clearance Policy; Attorney Armstrong stated that the township previously passed a resolution in 2016 and the statute was revised since that time and recommends the passage of the amended resolution that removes the probationary time period that a new employee must obtain clearance. Mike Dwyer made a motion to approve Resolution 04-2023-2 Amended Child Protective Clearance Policy. Annette Atkinson seconded the motion.

Mr. Pabon asked what is this policy for. Attorney Armstrong stated that when the township hires or has employees or volunteers and they are working with children two or more instances in a year, that they are required to get child protective background checks.

Motion passed 3-0 approving Resolution 04-2023-2.

Zoning Ordinance Articles; Attorney Armstrong requested a work session be scheduled to review the zoning ordinance articles. There was discussion to hold the meeting on April 14, 2023 at 8:00 a.m. Michele Clewell will follow up with attendees.

### **Engineer Report**

Stormwater Management; Ben Kutz, P.E. discussed the Stormwater Management Ordinance with the Monroe County Conservation District with regard to the New Act 167 guidelines and their model ordinance. The MCCC (Monroe County Conservation District) indicated in their March 20, 2023 memo that municipalities have a May 2, 2023 deadline and Gilmore & Associates has prepared an updated draft ordinance but would like clarification from the Supervisors prior to sending it to Attorney Armstrong for the final legal review.

Following additional discussion regarding buffer requirements, funding and definitions, Mr. Kutz stated that he will revise the draft stormwater ordinance and forward to Attorney Armstrong for his final review.

### **Old Business**

None

### **New Business**

Resolution 04-2023-1; Authorize Disposition of Certain Records; Annette Atkinson made a motion to approve Resolution 04-2023-1. Mike Dwyer seconded the motion. Motion passed 3-0.

Authorize Advertising to hold a Public Hearing on the Proposed Alarm Systems Ordinance, Establishing Requirements and Restrictions for the Installation and Operation of Alarm Systems; Mike Dwyer made a motion authorizing the public hearing be advertised. Annette Atkinson seconded the motion.

Attorney Armstrong stated that based on feedback the proposed ordinance presented for advertising will be revised on page 2, to say that rather than 20 working days..., it will increase to 30 working days...

It was stated that the the three fire departments were provided copies of the proposed ordinance after the last meeting in order for their comments to be included in the record. Marshalls Creek and Shawnee are happy with the proposed changes discussed tonight but Bushkill has not responded as of yet.

Motion passed 3-0 to advertise the Proposed Alarm Systems Ordinance, Establishing Requirements and Restrictions for the Installation and Operation of Alarm Systems for the Supervisors April 20, 2023 7pm meeting.

Proposed New National Opioid Settlement Agreement; Attorney Armstrong stated that in early 2022 the Supervisors were notified by the County about the national opioid settlement agreement and did previously participate. He stated that the documents he is

presenting name new entities in the settlement agreement; Walmart, Walgreens, Teva, Allergan and CVS. The Commonwealth of Pennsylvania must reach a specific threshold in order for the agreement to move forward, if it does not have support then the settlement ceases.

Mike Dwyer made a motion authorizing the Middle Smithfield Township to opt in the settlement. Annette Atkinson seconded the motion. Motion passed 3-0.

Mr. Pabon asked for clarification on the settlement agreement that just passed. Attorney Armstrong stated that these companies have to pay the State and only for certain things, and have to address the opioid epidemic in the State. This doesn't mean Middle Smithfield Township will get any money, but there is a greater potential for Monroe County to get the money.

Proposed Estimate for Professional Engineering Services for River's Edge Bike Park; Mike Dwyer made a motion to accept the professional service quote received from Smithfield Township's engineer LVL Engineering and approve paying Smithfield Township half (\$13,550.00) of the amount shown on the quote for the River's Edge Bike Park. Annette Atkinson seconded the motion.

At the request of Danny Younger for additional information on this project, Mike Dwyer stated that the bike park in Smithfield Township was built incorrectly and in order to fix the drainage under the guidelines of the Monroe County Conservation District, it requires engineering, bidding and new construction. This quote will provide an as-built survey, engineering design and plans, applications/permitting, bid specification/bid management and construction observation/management.

Motion passed 3-0 to pay Smithfield Township \$13,550.00, representing half the cost for Professional Engineering services for the Rivers Edge Bike Park.

Letter of Resignation from MST Historical Commission member; Annette Atkinson made a motion to accept the letter of resignation from Gary Morris. Mark Oney seconded the motion. Motion passed 3-0.

Authorize the Advertising and Sale of (5) Liquid Prewet Systems for Salt Spreaders, 2008 GMC 5500 Truck, 2009 Sterling Dump Truck and (2) Jacobsen Aerators on Municibid; Mike Dwyer made a motion authorizing the sale on the State approved Municibid website. Mark Oney seconded the motion.

Mr. Pabon stated that the taxpayers should be permitted to bid on these items, Mike Dwyer said they can, but they must register on the website. Attorney Armstrong stated that it is a State statute, that the bid goes to the highest bidder.

Motion passed 3-0.

## Public Comment

As members of the Eastern Monroe Library Board, Debbie Kulick and Danny Younger asked for an update they can take back to the directors on the building sign. Annette Atkinson stated that the township is in process of discussing and once presented the Supervisors will decide.

Mr. Pabon stated that the intersection of Route 402 & Oak Grove is dangerous. Mr. Dwyer stated that Route 402 is a PennDOT road and offered to send them a letter.

## Adjournment

Annette Atkinson made a motion to adjourn the meeting at 8:21 p.m. Mike Dwyer seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell  
Township Secretary  
April 6, 2023

## General fund

Num	Name	Memo	Amount
21745	Middle Smithfield Township 2019 GOB	2019 GOB installment	12,524.48
965754713	Pennsylvania American Water	Inv. 1024-210033478776 (2/28-3/30) 3 Hydrants	182.70
wt	BMO Bank of Montreal	March Credit Card Charges	4,874.14
21746	A.J. Smith Electric Motor Service	Inv. 37799 - Parts for Lift Motor Repair	169.00
21747	AFLAC	Inv. 144322 - April 2023	453.12
21748	Alura Business Solutions LLC	Invs. 41746, 41747	3,308.68
21749	Amazon Business	Inv. 1XMN-DW4C-DY4P - Desk Calendar for Mayra	21.98
21750	Autozone	Invs. 6787949089,6787951194,6787954798	112.27
21751	Beiler Hydraulics, Inc.	Inv. 1230560.001 - Hydro Pump for Genie Lift Invoices totalling \$1,443.48 were deducted from credit balance of \$4,044.49	175.56
n/a	Bergey's, Inc		0.00
21752	Blue Ridge Lumber	Invs. 92752,93886,94430	973.64
21753	Bradco Supply Co	Inv. 226433 - Nuts & Bolts	85.50
21754	Chauly Younger	Contracted Maintenance - Community Gardens - April	200.00
21755	Christopher Rain..	Mileage Reimbursement for PRPS Conference	106.44
21756	Claude S. Cyphers, Inc	Invs. 731637,731749,731787,731914,732106	1,335.50
21757	Coslar Roll-Off	Invs. 8806,8874,8951	1,939.20
21758	Dailey Resources, LTD	Inv. 185165 - Cylinder	11.00
21759	Eastern Alarm Systems Inc.	Inv. 018936 - Replace Power PigTail in Camera #3 Admin A Bldg.	75.00
21760	Eric Feldmann	5966 - Volunteer Tax Credit 2022	213.33
21761	George Morris.	4820 - Volunteer Tax Credit 2022	149.16
21762	Gotta Go Potties, Inc	Invs. 217925,217926	145.00

21763	Grim, Biehn & Thatcher	Invs. 214167,214168,214171,214172,214173,214174,214175	7,866.00
21764	Hajoca Stroudsburg	Inv. s031124237.001 - Fittings for Bldg. A Toilet	36.24
21765	Hunter Keystone Peterbilt, LP	Inv. R210014610:01 - Service for JR's Truck & Nox Sensor	1,197.87
21766	Lang's Cleaning Service LLC	Inv. 17347 - Cleaning Service - March	1,010.00
21767	Leroy Lewis	Contracted Maintenance- Dog Park - April Invs.	200.00
21768	Lewis ACE Hardware	3256/1,3261/1,3263/1,3271/1,3272/1,3276/1,3281/1,3280/1,3279/1	505.74
21769	Linde Gas & Equipment Inc.	Inv. 34888082 - Oxygen, Propane, Fuel Gas, & Acetylene	51.26
21770	M.S.T.S.D.	Invs. MS-0032-0,MS-0034-0-0,MS-0085-0	700.00
21771	Miggys Five	Acct. 15	186.89
21772	Newman, Williams, Mishkin, Corveleyn	Inv. 123957 RJK - Zoning Hearing Board	140.00
21773	Ott Consulting Inc	Invs. March 17, 2023 Invoice totalling \$16.12 was deducted from credit balance of \$98.18	2,117.20
n/a	PA One Call System, Inc.		0.00
21774	PMRS	45-027-5N Pension March	33,556.44
21775	Riley and Company	Inv. 50797 2022 1st Audit Installment	6,394.02
21776	Smithfield Township	50% Share of Engineering Services for River's Edge Bike Park	13,500.00
21777	Staples Advantage	Inv. 3534107785 - April Inventory	82.07
21778	Steve Shannon Tire Co. Inc.	Inv. 16076137 - Ambulance Tires Truck 303	762.00
21779	Suburban Propane-2753	Invs. 522165,522224,564879,515837	8,742.11
21780	UTRS, Inc / RKR Hess Copy	Inv. 47144 - RTK Copies	11.25
21781	Verizon Wireless	Inv. 9930444111 - Cell Phones (3/19-4/18)	244.97
21782	Waste Management	Inv. 3734651-0203-7 - Dumpsters Flip Tops (4/1-4/30)	711.44

**TOTAL: 105,071.20**

### Sewer fund

Num	Name	Memo	Credit
15470	Middle Smithfield Township - 2019 GOB	2019 GOB Installment	31,893.65
15471	Middle Smithfield Township - 2020 GOB	2020 GOB Installment	8,323.33
15472	Evoqua Water Technologies	905783402	5,459.21
15473	WASTE MANAGEMENT	3736516-0203-0 - March	3,021.07
15474	PROTHONOTARY	10 Liens	752.50
15475	PROTHONOTARY	10 Liens	752.50
15476	PROTHONOTARY	20 Liens	1,505.00
15477	PROTHONOTARY	20 Liens	1,505.00
15478	PROTHONOTARY	20 Liens	<u>1,505.00</u>
	<b>TOTAL</b>		54,717.26

### Golf fund

Num	Name	Memo	Amount
62396	Amazon Business	Inv. 1WJJ-MWLR-3XD9 - 5 Gal. Water Cooler for Gold Maint.	160.59
62397	AutoZone, Inc. Berkshire Hathaway GUARD	Invs. 6787559773,6787951191,6787951137	67.77
62398	Insurance Co	COCP413323 Commercial Package - Down Payment	2,638.80



62399	Blue Ridge Communications	Accts. 0330384-01, 0109950-03	139.90
62427	Bridgestone Golf Inc	Inv. 1003154835 Gloves	1,280.43
62401	Central Jersey Equipment	Inv. 1385121 - Switch	97.97
62402	Claude S. Cyphers, Inc.	Invs. 731782, 731783	219.32
62403	Eastern Alarm Systems, Inc.	Inv. 018939 Cameras @ Timeclock & Yard/Gas Pumps & DVR in Maint. Office	1,179.00
62404	Genesis Turfgrass Inc.	Invs. 126953,126954,126955,129452,128422	5,678.10
62405	Golf Car Specialties, LLC	Inv. S1185056 - Misc. Parts	3,352.70
62406	Golf Cars, Inc.	Inv. 95665 - Clutch puller tool	115.94
62407	Grass Roots Turf Products	Inv. 865741 - Greens Maintenance Supplies	7,572.57
62428	Grim, Biehn & Thatcher Inc.	Invs. 214169,214170	774.00
62409	Herr Foods Inc	Inv. 8169603 - Snacks	198.80
62410	Jacqueline Quijano.	Whispering Pines Deposit Return for 3/25 Rental	250.00
62411	L2 Brands, LLC	Invs. IN23047245, IN23047244	859.21
62412	Lewis Ace Hardware	Inv. 3277/1 - Misc. Hardware	182.11
62413	M.S.T.S.D.	BR-AMENITY3-0 2nd Qtr	525.00
62414	Marshalls Creek Plumbing	Invs. 18125, 18199	182.40
62415	Miggy's Corp 5	Acct 15	42.80
62416	NAPA Auto Parts	Inv. 2717-200558 - Spark Plugs & Oil	94.09
62417	P&S Garage	Inv. 103815 - 1999 Jeep Inspection	47.17
62418	Pepsi-Cola	Inv. 30258360 - PS23-17G Soda, Water & Gatorade	466.36
62419	Regina Farms.	Inv. 40527 Straw	29.70
62420	Snackzilla Distribution LLC	Inv. 943639401 Snacks	118.86
62421	Steckel Publications, Inc.	Inv. 29618 - Golfing Guide 1/2 Page - Year Rate	590.00
62422	Steve Shannon Tire	Inv. 16076147 - Tires	161.00
62423	Stroudsburg Electric Motor	Invs. 6444731, 6447596	668.42
62424	Suburban Propane	Invs. 522231, 522232	3,527.32
62425	Turf Equipment & Supply Co.	Inv. 70043657-00 Parts	265.54
62426	Waste Management	Inv. 3735437-0203-0 - Maint. Bldg (4/1-4/30)	1,235.50

**TOTAL: 32,721.37**