

THE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS  
REGULAR BUSINESS MEETING  
JANUARY 26, 2021

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A Regular Business Meeting of the Smithfield Township Board of Supervisors was held on January 26, 2021, at the Smithfield Township Municipal Center, at 1155 Red Fox Rd, East Stroudsburg, PA 18301, and via Zoom.

Present are Supervisors Jacob Pride, Robert Lovenheim, Brian Barrett (via Zoom), Solicitor Ronold Karasek, Township Engineer Jon Tresslar (via Zoom) and Office Manager Julia Heilakka.

Also present are Doug Olmstead, Jim DePetris, and Marc Wolfe (via Zoom).

1. Chair Jacob Pride calls the meeting to order at 7:00PM. A quorum is present.
2. The Pledge of Allegiance is recited.
3. Minutes
  - a. Brian Barrett motions to approve the minutes of the January 4, 2021 Reorganization Meeting and the January 4, 2021 Regular Meeting, Robert Lovenheim seconds. Vote: all in favor; minutes accepted.
4. Public Comments on the Agenda
  - a. Robert Lovenheim states he has an additional agenda item.
5. Public Hearings
  - a. 1836 Saloon, Inc – Conditional Use – Flood Plain. Ron Karasek introduces the hearing. [This public hearing was transcribed by Donna Kenderdine Recording, LLC.] Jacob Pride moves to close the hearing at 7:26PM, Robert Lovenheim seconds. Vote: all in favor; motion carries. Robert Lovenheim motions to grant the conditional use with no conditions. The Board discusses the following conditions: when COVID-19 restrictions are lifted, the applicant must consult with the township to address any off-street parking issues and with the Sewer Authority for possible additional EDUs, and the applicant will check applicable DEP and FEMA regulations to ensure compliance. Robert Lovenheim amends his motion to grant the conditional use to include the conditions outlined by the Board, Brian Barrett seconds the amended motion. Vote: all in favor; motion carries.
6. Plans to Act On
  - a. Preliminary/Final Minor Subdivision Plan Lands of Stanislav V. & Julia P. Manovski. Jon Tresslar states he reviewed the Manovski plans today, but the resubmitted plans have not addressed all his comments. The Board can table this until the comments are

addressed or approve the plan with the condition that the plan addresses the comments in the engineer's letter. Ron Karasek states the Manovskis filed a revised plan dated January 14, 2021, which means the 90-day review period restarts. Brian Courtright, the applicant's engineer, and Jon Tresslar discuss the plan. Jon Tresslar recommends that the Board grant approval subject to Jon Tresslar confirming that the comments in the engineer's letter of December 7, 2020 have been adequately addressed.

Ron Karasek and Jon Tresslar discuss the conditional approval form for the Manovski minor subdivision. Ron Karasek states the Planning Commission recommended a waiver of SALDO §803.R, requiring a recent title report verifying restrictions in the deed affecting the subdivision or development of the property, including, but not limited to, any underground, overhead or surface utility easements or rights-of-way. Jon Tresslar states there is no extensive development, and the easements of record are on the plan. Jacob Pride motions to grant a SALDO waiver so a title report need not be submitted for the project, Robert Lovenheim seconds. Vote: all in favor; motion carries.

Ron Karasek states that the proposed conditions of approval are: 1) compliance with all conditions set forth in the township engineer's review letter dated December 7, 2020; 2) monuments, pins, and markers will be set in the field and certified in writing by the applicant's engineer; 3) the SALDO waiver is noted on the plan; 4) the plan will be signed; and 5) the plan will be notarized. Brian Courtright states the conditions are acceptable. Ron Karasek states he will have condition letters for Brian Courtright to sign. Jacob Pride motions to conditionally approve the preliminary/final plan subject to the five conditions, Brian Barrett seconds. Vote: all in favor; motion carries.

- b. Preliminary/Final Minor Subdivision & Lot Consolidation Plan Lands of SR Squared, LLC. Ron Karasek states this was reviewed by the Planning Commission, who recommended conditional preliminary plan approval with four SALDO waivers.

Ron Karasek states the first waiver is for §803.Y: the location of wells, on-site septic systems, stormwater management facilities and similar features within 200 ft. of land to be subdivided. The Planning Commission voted to recommend approval of the waiver because the property will be served by central sewer, and central water is available. Brian Barrett motions to grant the waiver, Robert Lovenheim seconds. Vote: all in favor; motion carries.

Ron Karasek states the second waiver is for §803.Z4: wetland delineations must be shown on the plan. The Planning Commission recommends a waiver because no development is proposed, and a note has been added to the plan that when construction takes place, a wetland delineation must be secured. Robert Lovenheim motions to grant the waiver, Brian Barrett seconds. Vote: all in favor; motion carries.

Ron Karasek states the third waiver is for §803.HH: location, size, and ownership of all underground utilizes and any rights-of-way or easements within the property shall be

shown. There is a road named Springhouse Ln. The Planning Commission recommends the waiver be granted on the condition that the applicant depicts the center line of Springhouse Ln by way of metes and bounds. Robert Lovenheim motions to grant the waiver with the conditions imposed by the Planning Commission, Brian Barrett seconds. Vote: all in favor; motion carries.

Ron Karasek states the final waiver is for §803.GG and §1025.A: the location of all existing and proposed monuments shall be shown; and monuments shall be placed at each change in direction of boundary, two (2) to be placed at each street intersection and one (1) on one (1) side of each street at angle points and at the beginning and end of curves. The Planning Commission recommends the SALDO waiver be granted due to the many angle changes of Milford Road, with the condition that at least two monuments be set on Airport Road. Robert Lovenheim motions to grant this waiver with the Planning Commission's conditions, Jacob Pride seconds. Vote: all in favor; motion carries.

Ron Karasek states the recommended conditions are: 1) compliance with all conditions set forth in the township engineer's review letter dated January 13, 2021; 2) the SALDO waivers be noted on the plan; 3) monuments, pins, and markers will be set in the field and certified in writing by the applicant's engineer; 4) the plan will be signed; and 5) the plan will be notarized. Jacob Pride motions to grant approval with the above referenced conditions, Robert Lovenheim seconds. Vote: all in favor; motion carries.

## 7. New Business

- a. Consider: Resolution No. 462 – Affirming Appointments to the Zoning Hearing Board (ZHB). Julia Heilakka states the Board motioned to appoint members to the ZHB at the reorganization meeting; appointments must be completed by resolution. Brian Barrett motions to adopt Resolution No. 462, Robert Lovenheim seconds. Vote: all in favor; motion carries.
- b. Consider: Resolution No. 463 – Appointment of Independent Auditor for FY2020. Jacob Pride states appointing the township auditor must be done by resolution. Brian Barrett motions to adopt Resolution No. 463, Robert Lovenheim seconds. Vote: all in favor; motion carries.
- c. Consider: Resolution No. 464 – Tax Collectors Compensation. Jacob Pride states the tax collector's compensation must be set by February 15<sup>th</sup> of the year they are running for reelection. Brian Barrett motions to adopt Resolution No. 464, Robert Lovenheim seconds. Vote: all in favor; motion carries.
- d. Consider: Request Planning Commission reviews for Draft Ordinance Reducing Zoning Hearing Board. Jacob Pride motions to request the reviews from the Planning Commissions, Robert Lovenheim seconds. Vote; all in favor; motion carries.

- e. Consider: Request Planning Commission Reviews for Smithfield Gateway Application and Draft Parking Ordinance. Jacob Pride states the township has received the review from the Monroe County Planning Commission. This draft ordinance extends the no-parking zone on Route 209. Doug Olmstead states this ordinance amends Chapter 15 and does not fall under zoning. Brian Barrett motions to request a Smithfield Township Planning Commission review, Jacob Pride seconds. Vote: all in favor; motion carries.
- f. Discuss & Act: Brodhead Watershed Association (BWA) River Sojourn at Minisink Park. Robert Lovenheim states in June, the BWA would like to stage people and dock boats in the Brodhead Creek during a weekday. Brian Barrett states they are very well organized. Jacob Pride states the specific time is Wednesday, June 23<sup>rd</sup> at 9:15AM. Robert Lovenheim motions to allow the sojourn, Brian Barrett seconds. Vote: all in favor; motion carries.
- g. Discuss & Act: Raise ESSA Payroll ACH Limit to \$23,000.00. Jacob Pride states winter overtime is increasing payroll, and motions to raise the payroll ACH limit to \$23,000.00 and sign the letter, Robert Lovenheim seconds. Vote: all in favor; motion carries.
- h. Discuss & Act: Dirtsculpt Estimate for Repairing River's Edge Bike Park. Robert Lovenheim states the estimate to repair damage at River's Edge was about \$9,500, and asks for additional funds for a bike repair stand. Robert Lovenheim motions to approve up to \$11,000 for River's Edge Bike Park, Brian Barrett seconds. Vote: all in favor; motion carries.
- i. Consider: Resolution No. 465 – Authorize Chairman to Sign Reimbursement Condition Statement re: Smithfield Gateway. Jim DePetris states Phase 1A is anchored with a 40,000 square-foot St. Luke's facility and four other pads. Phase 1B is a mixed-use project with multifamily apartments and specialty retail. Phase 2A has 200 age-restricted housing units. Storm drainage has begun on the land known as the Chelsea property, and the HOP is moving forward.

Doug Olmstead states all documents we are looking for signatures for are related to the HOP permits. The HOPs have been being reviewed under Mosier's name; now that the documents are close to closure, they must be transferred to the relevant parties. To help pay for the improvements to Route 209, DEPG received a grant for \$2 million. There is a document that needs to be signed for when the sponsor (which is Pocono Mountain Industries) is not the township, a process for using the money, and a required resolution.

Doug Olmstead states that as a corollary to these documents, there's a separate document amending a November 30, 2018 agreement to state that while there may be items in the township's name, maintenance costs will be borne by the developer. Ron Karasek asks for a breakdown of what the township will be responsible for and what the developer will be responsible for.

- i. SIDEWALKS. Doug Olmstead states sidewalks will be maintained by the developer full-time. The developer's agreement will account for the fact that there will most likely be a homeowner's association to take over those responsibilities.
- ii. TRAFFIC SIGNALS. Doug Olmstead states the developer will install a new traffic signal at their expense. Once the township enters into a maintenance agreement for the traffic signal, the township will send invoices to the developer.
- iii. DRAINPIPE. Doug Olmstead states the large cross-drainage pipe under Route 209 will be in the name of the township. The developer's agreement should address how often it needs to be inspected; the pipe will be buried 40ft deep and be 6ft in diameter. Brian Barrett states the township would like its engineering firm on site to observe during the installation. Doug Olmstead states the developer's agreement addresses that the cost of maintenance, operation, repair, and replacement will fall on the developer.
- iv. INTERSECTIONS. Ron Karasek states that the township will take over intersections after the 18-month maintenance period, assuming the intersection is built to township specifications.
- v. STORMWATER PIPING. Doug Olmstead states stormwater piping is parallel to the road. He has provided exhibits demonstrating which pipes PennDOT wants in the township's name. The developer will be responsible for the cost of maintenance, even though the pipes are in the township's name; no cost will be borne by the township for the systems shown on the exhibit of the M950AA form.

Ron Karasek reminds the Board that if the developer becomes insolvent, the costs will fall to the township. Brian Barrett reads a section of the developer's agreement - "the developer agrees that they will be solely responsible for and to pay for the installation, construction, use, operation, maintenance, repair, and replacement of the aforementioned HOP improvements in perpetuity" - and confirms that this statement is no longer valid. Doug Olmstead states the new letter reads the major stormwater pipe, sidewalks, project-related stormwater systems, and HOP shall be issued in the name of the township but would be maintained by the developer with maintenance obligations to be set forth in the developer's agreement. Paragraph 3 addresses the intersection reverting to the township after the 18-month maintenance period. The Board discusses upcoming road changes.

Ron Karasek states that he and Jon Tresslar have reviewed the supplemental letter, and he is okay with it. Ron agrees with how #2 was explained, and Mr. Olmstead added a provision at the request of Mr. Tresslar stating that there will be no construction to begin until the final plan is approved, agreements are in place, security is posted, etc. Brian Barrett states he is concerned about the cross-drainage pipe, and asks it be part of the developer's agreement that Jon Tresslar is present during installation. Ron Karasek reminds the Board they are coming back from the original 2018 agreement. Robert

Lovenheim motions to adopt Resolution No. 465, Jacob Pride seconds. Vote: all in favor; motion carries.

- j. Consider: Authorize Chairman to Sign HOP Condition Statement, PennDOT Forms M-950AA (4) and TE-160 (2) and Memorandum of Understanding. Jacob Pride motions to authorize the chair to sign the HOP Condition Statement, PennDOT Forms M-950AA (4) and TE-160 (2), the Memorandum of Understanding, and the approval of the amended 2018 agreement, Robert Lovenheim seconds. Brian Barrett confirms the solicitor and engineer are okay with these items. Vote: all in favor; motion carries.
- k. Consider: Authorize Advertisements for Public Hearing on Draft Parking Ordinance. Jacob Pride states the Monroe County Planning Commission has already favorably reviewed the draft ordinance. Jacob Pride motions to schedule adoption for the February 23<sup>rd</sup> meeting, Robert Lovenheim seconds. Vote: all in favor; motion carries.

Doug Olmstead asks if a public hearing is necessary for the land development plan approval. Ron Karasek believes no, unless the engineer states there are major changes that would require it. The final plan will go before the Planning Commission at their February 11<sup>th</sup> meeting.

- l. Consider: Appointment of Terri Timko to Sewer Authority. Jacob Pride states the Board received an email from Terri Timko expressing interest in the Smithfield Sewer Authority (SSA). The SSA's solicitor, Dan Corveleyn, provided a section of the Municipal Authorities Act demonstrating someone who works for an authority can be on their Board. Brian Barrett motions to appoint Terri Timko, Robert Lovenheim seconds. Vote: all in favor; motion carries.
- m. [New Item] 1% for Nature Grant. Robert Lovenheim requests authorization to write and sign a letter of support for a 1% for Nature Grant for Minisink Park. BWA is applying for a grant for \$2,500 on the township's behalf for signage, and the township would need to contribute in-kind labor. Brian Barrett motions to authorize the letter of support, Robert Lovenheim seconds. Vote: all in favor; motion carries.

## 8. Bills to be Paid

- a. Ratify: 1/13/2021 Payment of Bills - \$58,405.35 General Fund & \$6,190.13 Highway Fund (Total \$64,595.48). Brian Barrett motions to ratify the bills for \$64,595.48, Jacob Pride seconds. Vote: all in favor; motion carries.
- b. Pay: 1/26/2021 Payment of Bills - \$70,675.92 General Fund & \$12,879.02 Highway Fund (Total \$83,554.94). Robert Lovenheim motions to approve the bills, Brian Barrett seconds. Vote: all in favor; motion carries.

## 9. Public Comment

- a. Robert Lovenheim states he just found the Dirtsulpt invoice for \$9,250. The Board confirms it was covered in the motion made for \$11,000 in expenditures on River's Edge Bike Park.

10. Jacob Pride motions to adjourn, Robert Lovenheim seconds; meeting adjourned at 8:46 PM. The Board enters Executive Session.

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Minutes recorded by Julia Heilakka

Respectfully submitted:

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Brian Barrett, Secretary