

THE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS
REGULAR BUSINESS MEETING
FEBRUARY 23, 2021

A Regular Business Meeting of the Smithfield Township Board of Supervisors was held on February 23, 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, Engineer Jon Tresslar, and Office Manager Julia Heilakka.

Also present are Doug Olmstead, Jim DePetris, Cam Huffman (via Zoom), Kate Ramen, Ann Hutchinson, and Louise Troutman.

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. Robert Lovenheim motions to approve the minutes of the January 20, 2021 Work Session, the January 26, 2021 Regular Meeting, the January 27, 2021 Work Session, and the February 9, 2021 Work Session, Brian Barrett seconds. Vote: all in favor; minutes accepted.
4. Public Comments on the Agenda
 - a. Robert Lovenheim states representatives of Natural Lands Trust may arrive later.
5. Plans to Act on: Smithfield Gateway Minor Subdivision.

Doug Olmstead discusses the minor subdivision and Jon Tresslar's review letter. Jon Tresslar states he has reviewed the waivers and the Planning Commission has recommended the waivers that are identified. If granted, the waivers must be on the plan. He suggests the Board go through the waivers one by one. Doug Olmstead states the plan before the Board transfers parcels between DEPG and Frank Riccobono and explains the transfers. There is a permanent drainage easement that will eventually go to the township, though the maintenance will be covered under the developer's agreement.

Jon Tresslar states none of the lots are buildable; these transfers are rectifying issues of the past. Keeping that in mind, some of the information normally required is superfluous.

- a. Waiver #1, Section 803.G – all existing and proposed structures and uses indicating all setback lines as well as shortest distances between buildings shall be shown on the plan. Jon Tresslar states this is unnecessary and the Planning Commission recommended the

waiver. Robert Lovenheim motions to grant the waiver, Brian Barrett seconds. No public comment. Vote: all in favor; motion carries.

- b. Waiver #2, Section 803.H – the existing features, including all streets adjacent to the tract and all proposed access points and parking areas shall be shown. Jon Tresslar states he supports the waiver and the Planning Commission recommended it also. Jacob Pride motions to adopt waiver, Robert Lovenheim seconds. Vote: all in favor; motion carries.
- c. Waiver #3, Section 803.M – contours and the basis for topography and vertical datum base. Jon Tresslar states no grading is being proposed; he supports the waiver. Brian Barrett motions to grant the waiver, Robert Lovenheim seconds. Vote: all in favor; motion carries.
- d. Waiver #4, Section 803.P – requires significant physical features such as but not limited to streams, lakes, ponds and drainage rights-of-way, including the direction of flow; and the location of all environmentally sensitive features, including floodplains, floodplain soils, wetlands, lake and pond shorelines, woodlands, large trees standing outside of woodlands and steep slopes be shown on the plan. Jon Tresslar states there is no disturbance being contemplated and supports this waiver. Robert Lovenheim motions to grant the waiver, Brian Barrett seconds. Vote: all in favor; motion carries.
- e. Waiver #5, Section 803.X - the location of all existing buildings, towers, sewers, water mains, culverts, petroleum products or gas mains, fire hydrants and other significant manmade facilities and their existing and proposed use or disposition. Jon Tresslar states he requested that DEPG show some features on the plan and they have. He believes they have shown what is necessary, and he supports a partial waiver. Jacob Pride motions to grant a partial waiver for 803.X, Robert Lovenheim seconds. Vote: all in favor; motion carries.
- f. Waiver #6, Section 803.Y – the location of wells, on-site septic systems, stormwater management facilities and similar features or within two hundred (200) feet of any part of the land to be subdivided or developed shall be shown. Jon Tresslar states there is no impact to the site, but they did show what was important; this is a full waiver. Robert Lovenheim motions to grant the waiver, Brian Barrett seconds. Vote: all in favor; motion carries.
- g. Waiver #7, Section 803.Z.2 – the soil classifications, hydraulic soil classification, and boundary lines of all soils located on the tract with specific reference to any alluvial or hydric soils boundary. Jon Tresslar states there is no development, so no E&S controls are required; he supports this waiver. Jacob Pride motions to approve this waiver, Brian Barrett seconds. Vote: all in favor; motion carries.
- h. Waiver #8, Section 803.AA – any existing buildings and structures, including structural remains which are located on or adjacent to the site must be shown with a statement as to

whether or not these buildings have any historical significance. Jon Tresslar states this is a transfer of small pieces of land. If there are such structures, they would not be affected; he supports this waiver. Brian Barrett motions to grant the waiver, Robert Lovenheim seconds. Vote: all in favor; motion carries.

- i. Waiver #9, Section 1202 – recreation, common open space, and in-lieu fees shall apply to any subdivision for which a preliminary plan or a combined preliminary/final plan and any land development for which a plan is submitted. Jon Tresslar states the applicant has requested a waiver. Brian Barrett asks if this would apply to the entire project. Jon Tresslar replies no, this is only for this minor subdivision. Doug Olmstead confirms this does not apply to the development of Lot 1. Ron Karasek recommends it is unfair to charge this fee if the lots are not buildable. Jacob Pride motions to grant the waiver, Robert Lovenheim seconds. Vote: Jacob Pride and Robert Lovenheim in favor, Brian Barrett opposed; motion carries.

Ron Karasek overviews the conditional plan approval form with Jon Tresslar. Jon Tresslar states his most recent engineer's letter is dated February 23, 2021, and discusses required deeds, dedications, and easements. Ron Karasek confirms the necessary conditions: compliance with any outstanding conditions in the township engineer's review letter dated February 23, 2021; unification and merger deeds; grant of easement for the right-of-way along SR 209 to PennDOT; drainage easements; monuments, pins, and markers to be set in the field and certified in writing by the applicant's engineer; SALDO waivers to be noted on plan; the plan to be signed; and the plan to be notarized. Robert Lovenheim motions to grant preliminary and final approval with the conditions as stated on the form, Brian Barrett seconds. Vote: all in favor; motion carries.

Jim DePetris overviews the current project timeline. Doug Olmstead discusses updates to the NPDES permit. Ron Karasek states if the township does not yet have performance security or an LDP agreement, the Board should consider a pre-posting of security agreement or an indemnification agreement to protect the township.

Doug Olmstead states DEPG's lawyer sent a letter related to the letter of credit and the type of funds available. Ron Karasek states this would allow for site work to start with no vertical construction. The Board will discuss this letter at the March 23rd meeting.

6. New Business

- a. Consider: Resolution No. 466 – Lot Joinder for Extra Special Units, LLC. Ron Karasek states the applicant has prepared a deed with the required language, so the township is good to go. Brian Barrett motions to approve Resolution No. 446, Robert Lovenheim seconds. Vote: all in favor; motion carries.
- b. Consider: Resolution No. 467 – Appointments of Chief Administrative Officers for Employee's Pension Fund at PMRS. Robert Lovenheim motions to adopt Resolution No.

467. Brian Barrett asks why he will no longer be involved. Jacob Pride replies that this is to do with the changing of the chair of the Board, and the Board should have done this at the reorganization meeting. Jacob Pride seconds the motion. Vote: Jacob Pride and Robert Lovenheim in favor, Brian Barrett opposed; motion carries. Brian Barrett states he does not understand the reasoning behind the change; he has been involved since PMRS was picked for the pension and there have been no problems.

- c. Consider: Authorizing Chairman to sign the PMRS Cash Balance Plan. Jacob Pride states the State asks that the plan be amended to reflect an additional contribution. Robert Lovenheim motions to authorize the chairman to sign, Jacob Pride seconds. Vote: all in favor; motion carries.
- d. Consider: Advertising Ordinance No. 241 – Zoning Hearing Board (ZHB) Membership Amendment. Brian Barrett states the Planning Commission discussed this and felt the ZHB should remain at five and Brian Barrett feels similarly. Robert Lovenheim states the problem is with getting interested people and suggests tabling this item and looking for interest again. Jacob Pride moves to table the draft ordinance and vacate the draft ordinance number, Brian Barrett seconds. Vote; all in favor; motion carries.
- e. Consider: Requesting Planning Commission Reviews for Permit Denial Ordinance. Ron Karasek states he made the changes the Board discussed. Robert Lovenheim motions to send the draft permit denial ordinance to the Planning Commission for review at their March 11th meeting, and to schedule the draft ordinance for potential adoption at the Board’s meeting on March 23rd, Brian Barrett seconds. Vote: all in favor; motion carries.
- f. Consider: Approve up to \$1,100.00 for Batting Cage at Waterfront Park. Cam Huffman states there are almost 100 residents who use the park for the intermediate division. The batting cages would be 6 x 6 timbers at the corners and galvanized cables and carabiners to attach the net, with a completed size of 35ft x 12ft x 12ft. Jacob Pride motions to approve, Robert Lovenheim seconds. Vote: all in favor; motion carries. Cam Huffman states the East Stroudsburg Little league thanks the Board for their support.
- g. Consider: Approve up to \$1,000.00 for Apiary Repairs. Jacob Pride states this is a reauthorization of what the Board authorized in 2020. Eric Diemer will still do the repairs and the township roadcrew will need to put in the new fence. The Board discusses incidents with local fauna and the fence. Brian Barrett motions to approved up to \$1,000 for repairs, Robert Lovenheim seconds. Vote: all in favor; motion carries.
- h. Open Space Initiative: Kate Ramen, Ann Hutchinson, and Louise Troutman. Kate Ramen overviews Smithfield Township’s progress so far. Robert Lovenheim states the township may need less money that they originally thought.

Kate Ramen discusses easements vs. fee simple acquisition. The Board discusses purchasing land to protect streams and preserve water clean, not to create more parks.

Robert Lovenheim asks how the township would acquire a few hundred thousand dollars to pay for surveying and other fees instead of the full \$2 million bond.

Kate Ramen suggests starting with willing landowners interested in donating land. Louise Troutman cautions if the Board gets an easement, the Board has an obligation to monitor it in perpetuity; the Township should look for larger parcels for fee simple purchases. Ann Hutchinson suggests the Board purchase properties identified as critical to water conservation. Brian Barrett states the Monroe County Planning Commission worked with a third party to identify properties that would protect the aquifers and forests, which is what started the idea of the \$2 million bond. The Board discusses purchasing Buttermilk Falls or land on Fawn Road.

7. Bills to be Paid

- a. Ratify 2/03/2021 Payment of Bills - \$2,241.80 General Fund (Total \$2,241.80). Ratify 2/09/2021 Payment of Bills - \$51,389.20 General Fund & \$14,584.34 Highway Fund (Total \$65,973.54). Ratify 2/17/2021 Payment of Bills - \$71,156.97 General Fund & \$9,292.37 Highway Fund (Total \$80,449.34).

Jacob Pride states that all of the General Fund bills total to \$124,787.97 and all of the Highway Fund bills total to \$23,876.71, for a grand total of \$148,664.68. Brian Barrett motions to pay the bills, Robert Lovenheim seconds. Vote: all in favor; motion carries.

8. Public Comment – none.

9. Robert Lovenheim motions to adjourn, Brian Barrett seconds; meeting adjourned at 8:42 PM.

Minutes recorded by Julia Heilakka

Respectfully submitted:

Brian Barrett, Secretary