

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

A Regular Business Meeting of the Smithfield Township Board of Supervisors was held on March 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, John Coté, Marc Wolfe, Eric Levine, Marla Levine, Richard Schlameuss, and Mitch Bowyer.

1. Chair Jacob Pride calls the meeting to order at 7:02PM. A quorum is present.
2. The Pledge of Allegiance is recited.
3. Minutes
 - a. Brian Barrett states he has a change for the minutes of March 9th, which is adding “if” to one of his statements in a discussion about funds available regarding the performance security. Brian Barrett motions to approve the minutes of the February 23, 2021 Regular Meeting, the March 2, 2021 Special Meeting, and the March 9, 2021 Work Session with the discussed changes, Robert Lovenheim seconds. Vote: all in favor; minutes accepted.
4. Public Comments on the Agenda – none.
5. Public Hearings
 - a. Ordinance No. 229, Permit Denial. Ron Karasek states this matter was discussed by supervisors and reviewed by the Planning Commission in 2018. As originally drafted, the township could deny permits for all sorts of delinquent fees, including garbage and water, on any property. The ordinance has since been altered to include only property in Smithfield Township and only delinquent real estate and sewer taxes or if the property is blighted and the owner has taken no steps to correct it within 6 months of notification. The Planning Commission has reviewed and recommended approval of the draft ordinance. It has been advertised and is ready for discussion and/or adoption. Public comment: none. Brian Barrett motions to close the public hearing, Robert Lovenheim seconds. Vote: all in favor; motion carries: hearing closed at 7:09 PM. Brian Barrett motions to adopt Ordinance No. 229, Robert Lovenheim seconds. Vote: all in favor; motion carries. Ron Karasek suggests that if the township is changing their permit applications, doing so by way of resolution would be a good idea.
6. Plans to Act On - DEPG/Smithfield Gateway Land Development Plan & Major Subdivision Plan Phase 1A-1.

- a. **Introduction.** Jim DePetris provides a brief history of the project, and overviews Part 1 of infrastructure work on SR 209, interior roads construction, an overall map of Smithfield Gateway, and a digital mockup of building design for Phase 1B. He announces a long-term lease with St. Luke's, who will occupy a 40,000 sq. ft. building.

John Coté presents the preliminary land development plan for Phase 1A-1. St. Luke's occupies 1/3 of Phase 1A-1. He has received comments from Boucher & James and is prepared to address them. Doug Olmstead states the major subdivision reconciles the lots to match the phasing of the project. John Coté states tonight's plan focuses on property fronting SR 209.

John Coté discusses the infrastructure improvements off of SR 209. Eric Levine asks about Music Center Drive. John Coté replies it will become a right in, right out. Doug Olmstead discusses speed tables in the internal roads. John Coté summarizes the waivers the developer is asking for. Doug Olmstead states the action he is asking for is final approval for infrastructure improvements, the land development, and the major subdivision.

- b. **Waiver Requests.** John Coté states the only waiver request for the major subdivision has been modified from §601 to §701. Doug Olmstead clarifies the waiver request is a new request for this to be a preliminary/final plan. Robert Lovenheim motions to grant the waiver for §701, Brian Barrett seconds. Vote: all in favor; motion carries.

John Coté states the developer requests a land development plan waiver from §1006.6, "stub streets greater in length than one (1) lot depth shall be provided with a temporary turnaround to the standards required for cul-de-sacs or shall be paved to the full width of the right-of-way for the last seventy-five (75) feet of their length" and §1006.9, "dead-end streets shall be prohibited except as defined in §1013, 'Cul-de-Sac.'" There is no need for turnarounds because it is a loop road. Doug Olmstead states the developer is willing to put up traffic barriers in the interim. Jacob Pride motions to grant the waiver to §1006.6 and §1006.9 with the condition that the developer implements construction barriers, to be determined in-field by the township engineer, Robert Lovenheim seconds. Vote: all in favor; motion carries.

John Coté states the developer requests a land development plan waiver from §1008.4, "new half or partial streets will not be permitted." Jon Tresslar states this is the same as the earlier waivers but is a different provision in the ordinance. Jacob Pride motions to amend his prior motion to include §1008.4, Robert Lovenheim seconds. Vote: all in favor; motion carries.

- c. **Major Subdivision, Phase 1A-1.** Ron Karasek reviews the conditional approval form for the major subdivision with Jon Tresslar. Doug Olmstead states the developer agrees with the conditions applied with the recommended approval. Ron Karasek states the major subdivision is reviewed and ready for official action. Robert Lovenheim motions to grant conditional approval to the major subdivision, Brian Barrett seconds. Public comment: Richard Schlameuss states he is a resident, taxpayer, and ESASD board member, and is joined by Larry Dymond and George Andrews online. They want to provide support for

the project and remind the Board that there is a covenant in Stage 1B that limits the housing to 236 residential units evenly split between one- and two-bedroom units, and Phase 2A is restricted to 190 age-restricted units. Doug Olmstead states the developer will abide by the TIFF criteria.

Eric Levine asks when the road improvements will take place. Doug Olmstead asks the record to reflect that Eric Levine is one of the people the developer notified of tonight's meeting so that if he had questions, he could come to the meeting. SR 209 will be converted to five lanes and construction begins this summer. Internal improvements to Roads A and C must be completed before the intersection of Music Center Drive and SR 209 is temporarily closed for improvements. The traffic signal at the intersection of Road A and SR 209 will be installed in 2022.

John Coté states Music Center Drive is sloped, and the new road will be an improvement because it's a higher point in the road. Marla Levine asks what will happen with left turns at the Dunkin' Donuts. Doug Olmstead replies the road improvements will go from Strunk-Albert Engineering to Hillside Drive.

Robert Lovenheim suggests sequencing the traffic light at Buttermilk Falls Rd. to create space so drivers have a chance of turning left farther along SR 209. Brian Barrett asks how St. Luke's will be accessed without the traffic light. Doug Olmstead replies the light will be operational by the time St Luke's opens. Vote: all in favor; motion carries.

- d. **Land Development Plan, Phase 1A-1.** Ron Karasek reviews the conditional approval form with the township engineer. Ron Karasek states he has the signed agreement for conditional plan approval from the developer for Phase 1A-1. Jacob Pride motions to grant approval to the Smithfield Gateway Final Land Development Plan in accordance with the conditional approval letter for Phase 1A-1, Robert Lovenheim seconds. Public Comment: Marla Levine asks why the road improvements will not be completed before the project. Jon Tresslar replies the road improvements progress simultaneously with the site work. The developer will need to post the cost of the sitework with the PennDOT and the township; this guarantees the improvements will be completed. Eric Levine asks how many traffic lights are planned for the corridor. Doug Olmstead replies one at Road A and SR 209, which will handle all cross-traffic movements from the Dairy Queen, Odd Lot, and carwash. There are possibilities for one between that light and the light at SR 209 and SR 447. Brian Barrett expresses concern for cross-traffic on SR 209. Vote: all in favor; motion carries.

7. New Business

- a. Consider: Performance Security Letter Regarding Smithfield Gateway Project. Ron Karasek states the Board had concerns regarding the performance security with Gateway. Himself, Marc Wolfe, Ralph Matergia, Jon Tresslar, Doug Olmstead, Jim DePetris, and Michelle Bisbing had a conference call yesterday and discussed grants; he is comfortable with the concepts of using the grant money as performance security.

Jim DePetris states there are two contracts regarding sitework: the infrastructure work and the pads. The St. Luke's sitework is financed by New Jersey Bank, and will have a letter of credit. Pocono Mountains Economic Development Corporation (PMEDC) will act as a conduit for the infrastructure improvements. Most of the money they are holding on the developer's behalf is cash. Doug Olmstead states PennDOT gave the developer a grant to build the infrastructure, but one of the conditions is that PennDOT does the work. Doug Olmstead states the oversight of construction will be monitored by Boucher & James and Midlantic Engineering.

Doug Olmstead states the performance security would consist of approximately \$400,000 from the LSA, \$700,000 from the CFA, \$3,500,000 from the PA Infrastructure Bank, and the balance would be a letter of credit from DEPG. Marc Wolfe states the township has the right to step into the shoes of DEPG under its contracts with PMEDC, but the Township would not be obligated to do so.

Ron Karasek states the initial concern was whether the township could access the funds if something happened to DEPG. The discussion made clear that the funding source gives the funding to PMEDC, who then uses the money to complete the project. If DEPG defaults on the improvement agreement, the township can step into the developer's place. PMEDC is willing to confirm this in writing for review by the township engineer and solicitor. As long as PMEDC confirms this process can occur in writing, he is comfortable recommending approval to the Board. Doug Olmstead states this could be part of the developer's agreement.

Ron Karasek states the applicant must prepare cost estimate for review. Ron Karasek will prepare an indemnification agreement and send it to Marc Wolfe for review. Doug Olmstead thanks the members of the ESASD Board for their interest in the project.

- b. [Item K] Consider: Accept Resignation of Planning Commissioner Kurt Wichman. Jacob Pride states Kurt Wichman is moving out of the area. Brian Barrett motions to accept the resignation, Robert Lovenheim seconds. Vote: all in favor; motion carries.
- c. [Item H] Interview Mitch Bowyer, Planning Commission Candidate. Mitch Bowyer introduces himself. Robert Lovenheim motions to appoint Mitch Bowyer to the Planning Commission vacancy with a term to expire on 1/2/2024, Brian Barrett seconds. Vote: all in favor; motion carries.
- d. [Item B] Consider: Approve First Disbursement for River's Edge Bike Park. Jacob Pride states this estimate was sent in October of 2020 and approved by the Board on January 26th. Middle Smithfield Township will handle the second installment. Public comment: none. Brian Barrett motions to pay the bill, Robert Lovenheim seconds. Vote; all in favor; motion carries.
- e. [Item C] Consider: Award Bid for Wellness Park Phase II. Julia Heilakka states that due to delays in DCNR review, the bidding process was pushed back one month. This is on the April 27th meeting agenda.

- f. [Item D] Consider: Award Ground Fertilization Bid. Julia Heilakka states Lois looked into this, and DCS did work for the township back in 2013. Jacob Pride motions to award the bid to DCS in the amount of \$5,595. Brian Barrett recuses himself due to a conflict of interest; his son-in-law owns Strauser. Robert Lovenheim expresses reluctance to shift from Strauser; Strauser has proven they do good work, and DCS is unknown to him. Robert Lovenheim seconds. Vote: Jacob Pride and Robert Lovenheim in favor; Brian Barrett abstains: motion carries.
- g. [Item E] Consider: Purchase New Playground Equipment for Waterfront Park. Jacob Pride states this was presented to the Board at the 3/9 meeting. Our own roadcrew will install the playground. The Up and Away set has four swings, a hand sanitizer station, free shipping, and mulching at a cost of \$20,169.56. Because of the COSTARS designation, we do not need to follow the typical bidding process. The Board discusses which playset to choose. Jacob Pride motions to approve Proposal #99922 for \$20,169.56 for Up and Away, Brian Barrett seconds. Vote: all in favor; motion carries.
- h. [Item F] Consider: Approve Collective Bargaining Agreement with Teamsters Local 773. Brian Barrett states it is a good four-year contract. Brian Barrett motions to approve the agreement. Robert Lovenheim seconds. Vote: all in favor; motion carries. Jacob Pride thanks Attorney Tom Heimbach.
- i. [Item G] Consider: Ratify re-advertising the 2021 Ground Maintenance Bid Notice. Julia Heilakka states the pre-bid meeting was advertised for after the bids were due. Jacob Pride motions to ratify the readvertising, Robert Lovenheim seconds. Vote: all in favor; motion carries.
- j. [Item H] Interview Mitch Bowyer, Planning Commission Candidate. [see Item C].
- k. [Item I] Consider: \$500.00 Appraisal for 274 Marshalls Creek Road (DCED GTRP Application). Julia Heilakka states this appraisal is required to determine the land value for 274 Marshalls Creek Rd. so the value can be used for the 15% match for the DCED application. Brian Barrett motions to approve, Robert Lovenheim seconds. Vote: all in favor; motion carries.
- l. [Item J] Consider: Super Heat, Inc – Proposal in the amount of \$3,800.00 for Spring & Fall Annual Maintenance on the Geothermal Heating System. Jacob Pride states this is routine maintenance. They did not complete all four visits due to COVID, so we did not get billed last year. Brian Barrett states this is money well spent. Robert Lovenheim leaves at 9:04PM. Jacob Pride motions to approve, Brian Barrett seconds. Vote: Robert Lovenheim returns at 9:04PM, all in favor; motion carries.
- m. [Item K] Consider: Accept Resignation of Kurt Wichman, Planning Commission. [See Item B]
- n. [Item L] Consider: Resolution No. 468 – Application for DCNR Grant – Wellness Park Play Pod. The Board discusses pursuing a creek habitat theme for the play pod and committing at \$15,000 match to the project. Robert Lovenheim motions to adopt Resolution No. 468, Brian Barrett seconds. Vote: all in favor; motion carries.

- o. [Item M] Consider: Resolution No. 469 – Application for DCNR Grant – River’s Edge Bike Park Master Site Plan. Jacob Pride motions to adopt Resolution No. 469, Robert Lovenheim seconds. Vote: all in favor; motion carries.

Robert Lovenheim motions to sign the grant commitment letter for \$25,000 in cash match if the grant is awarded, Jacob Pride seconds. Vote: all in favor; motion carries.

- p. [Item N] Consider: Resolution No. 470 – Amend Its Non-Uniform Pension Plan Administered by the PA Municipal Retirement System. Jacob Pride states this amendment relates to the Teamsters agreement. Brian Barrett motions to complete the amendment to the non-uniform pension plan, administered by the PA Municipal Retirement System. Robert Lovenheim seconds. Vote: all in favor; motion carries.
- q. [Item O] Consider: Plan Amendment to the Pa. Municipal Retirement System. Jacob Pride states this was covered in the earlier motion.
- r. [Item P] Consider: Resolution No. 471 – Redevelopment Authority Demolition Grant Application. Julia Heilakka states this grant is for the removal of three structures at 274 Marshalls Creek Rd. and is for \$40,000 with no match. Brian Barrett motions to adopt Resolution No. 471, Robert Lovenheim seconds. Vote: all in favor; motion carries.

8. Bills to be Paid:

- a. Ratify 03/02/2021 Payment of Bills - \$67,197.00 General Fund - \$31,694.77 Highway Fund - Total (\$98,891.77). Ratify 03/09/2021 Payment of Bills - \$16,660.76 General Fund - \$5,689.81 Highway Fund - Total (\$22,350.57). Approve 3/23/21 Payment of Bills - \$85,597.37 General Fund.

Jacob Pride states this makes the grand total \$206,839.71. This includes two payments to health and welfare, insurance, legal bills, salaries, propane, and two large insurance payments. Brian Barrett motions to ratify paying the bills of 3/2/31 and 3/9/21, and approve the bills of 3/23/21, Jacob Pride seconds. Vote: all in favor; motion carries.

9. Public Comment

- a. The Board discusses ideas for the Pocono Forest & Water Grant. Brian Barrett expresses concern over the possibility of vandalism if the Board pursues the ADA accessible glider swing. The Board will consider additional ideas.

10. Brian Barrett motions to adjourn, Jacob Pride seconds; meeting adjourned at 9:27 PM.

Minutes recorded by Julia Heilakka

Respectfully submitted:

Brian Barrett, Secretary