

THE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS  
WORK SESSION  
APRIL 13, 2021

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A Work Session of the Smithfield Township Board of Supervisors was held on April 13, 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, and Brian Barrett, Solicitor Ron Karasek, Engineer Jon Tresslar, SEO Scott Brown (arrives at 5:05PM) and Office Manager Julia Heilakka.

Also present is Brian Germano (arrives at 4:56PM).

1. Chair Jacob Pride calls the meeting to order at 4:00PM. A quorum is present.
2. Minutes – none.
3. Public Comments on the Agenda – none.
4. Unfinished Business
  - a. Approve Written Decision Re: Finding of Fact, Conclusion of Law and Decision on a Conditional Use Application Filed Pursuant to the Water Gap Capital Landowners Curative Zoning Amendment. Ron Karasek provides an overview of the document. Robert Lovenheim motions to approve the Finding of Fact, Conclusion of Law and Decision, Brian Barrett seconds. Vote: Brian Barrett and Robert Lovenheim in favor, Jacob Pride opposed: motion carries.
5. Plans to Act On
  - a. Reject Minor Subdivision Plan Lands of Franklin Hill Manor. Jon Tresslar states this was filed as a minor subdivision, but it should be a land development plan. The Planning Commission recommended rejection. Jacob Pride motions to reject the Franklin Hill Manor minor subdivision in accordance with the township engineer’s letter of March 4, 2021, Brian Barrett seconds. Vote: all in favor; motion carries.
  - b. Minor Subdivision Plan & Lot Line Adjustment Lands of Jones & Zaplishny. Jon Tresslar states this is a minor subdivision and a lot line adjustment. He issued a review letter, some of which was addressed. The Planning Commission recommended approval conditioned upon satisfying comments in the letter. Jon Tresslar states the Board can table this plan until the comments are addressed or approve it conditionally. Ron Karasek states the legal issue is that the applicant is not present. Jacob Pride motions to table until Tuesday, May 11<sup>th</sup>. Jon Tresslar suggests tabling the plan with no date. Jacob Pride amends his motion to table the plans with no set review date, Brian Barrett seconds. Vote: all in favor; motion carries.

## 6. New Business

- a. Discuss: Candidates for Zoning Hearing Board. Julia Heilakka discusses the timeline for appointing members. The Board determines they would like to meet the candidates before the 27<sup>th</sup> meeting and will appoint members at their April 27<sup>th</sup> meeting.
- b. Discuss: Draft Wireless Facilities Ordinance & Fee Schedule. Robert Lovenheim suggests the Board accept the expert advice of this law firm, accept the fee schedule, and retain an expert to advise the township. The Board discusses the fee schedule.
- c. Consider: Request Planning Commission Reviews of Draft Wireless Facilities Ordinance. Robert Lovenheim motions to ask the Planning Commissions to review the Wireless Facilities amendment ordinance, Brian Barrett seconds. Vote: all in favor; motion carries.
- d. [Item f] Consider: Hire Michael Prystash to Roads & Maintenance Department. Brian Barrett states Michael has a lot of experience and will be a great addition to our staff. Jacob Pride motions to hire Michael Prystash conditionally upon his passing a background check, Brian Barrett seconds. Robert Lovenheim recuses himself because he wasn't at the interview with no prejudice toward the applicant. Vote: Brian Barrett and Jacob Pride in favor, Robert Lovenheim abstains: motion carries.
- e. [Not on Agenda] Morrissey Property Discussion. Robert Lovenheim states the property is along the Brodhead Creek and has been targeted by the open space committee. Robert Lovenheim motions to approve Joe Fisher to appraise the property, Brian Barrett seconds. Brian Barrett confirms the next step is to meet with the Morrisseys. Vote: all in favor; motion carries.
- f. [Not on Agenda] Manovski Subdivision. Jon Tresslar and Ron Karasek discuss the status of the Manovski subdivision and planning module. The plans were approved, but the planning module is still pending; Scott Brown is working with the owner.
- g. [Not on Agenda] Green Mountain Bridge. Jon Tresslar states PennDOT wants the bridge posted at 15 tons and it needs repairs. The Board discusses alternate access routes via 528 Seven Bridge Rd. Jon Tresslar will prepare an initial report. The Board discusses bridge repairs, funds available, the potential impact of vehicles on that road, the HOP, and possible next steps.
- h. [Item d] Discuss: Correspondence from PADEP Assistant Counsel Re: Former SEO Resignation. Jacob Pride leaves at 4:53PM and returns at 4:56PM. Brian Germano arrives at 4:56PM. Scott Brown arrives at 5:05PM. Ron Karasek states Dave Manter's letter did not indicate that the septic system was being moved, nor did he notify the township of the proper appeal process. Brian Germano discusses the history of the septic application, that the SEO at the time was aware of his property's situation, and that Dave Manter's letter of October 4, 2020 is facially erroneous because the letter only indicates that the permit

expired. The required notice presumes a 72.29 hearing; he believes the township proceeded in the correct manner in its decision.

Ron Karasek, Scott Brown, and Brian Germano discuss Section 72.29 of Title 25 – Environmental Protection. It is determined that a formal request for a hearing was never made by the applicant. Ron Karasek discusses the documents requested by DEP with the Board and Scott Brown.

Brian Germano states he submitted paperwork to the township on December 12, 2019 and included everything in that submission: the joinder deed, a new application, etc. Whether that submission was treated as an entirely new application or an amendment to the earlier application, the next step was to test the site: it is unacceptable to say that the permit expired and that testing would not occur.

Scott Brown states the expiration of a permit is not a reason for denial. The Board discusses the tone of the letter. Ron Karasek asks that if Brian Germano decides to file a complaint against Dave Manter, he shares a copy with the township.

- i. [Item e] Discuss: Draft Septic Fee Resolution. Julia Heilakka presents the draft resolution, and states that septic fees will be escrowed. Scott Brown states the permit will be held until the balance of the fees are paid at the end of the permitting process. Jacob Pride states this resolution will be added to the agenda for the April 27<sup>th</sup> meeting for consideration.

7. Bills to be Paid – none.

8. Public Comment

- a. Julia Heilakka states the River’s Edge DCNR grant has been submitted.

9. Brian Barrett motions to adjourn, Robert Lovenheim seconds: meeting adjourned at 5:45PM.

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Minutes recorded by Julia Heilakka

Respectfully submitted:

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Brian Barrett, Secretary