

THE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION
JULY 14, 2021

A Work Session of the Smithfield Township Board of Supervisors was held on July 14, 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 (via Zoom), and Brian Barrett, Solicitor Ron Karasek, Engineer Jon Tresslar, SEO Scott Brown, and Office Manager Julia Heilakka.

Also present are Doug Olmstead, Jim DePetris, Jamie DePetris, Martha Carbone, Lynn Swarz, and Alan Swarz.

1. Chair Jacob Pride calls the meeting to order at 4:01PM. A quorum is present. He reminds the public that this meeting was rescheduled due to a Monroe County ARPA meeting, and that the regular meeting is July 20th at 7PM.
2. Minutes – none.
3. Public Comments on the Agenda – none. Jacob Pride states the amendment to Act 65 will change this item. Ron Karasek is preparing a memo to address the changes.
4. Authorize Public Hearing

- a. Change in Zoning District Request: Frances M. Roth. The Township received an application for a public hearing to change the zoning for 239 Twin Falls Rd from ED to residential. Ron Karasek asks the Township to date stamp applications when they are received. The Township will ask the applicant for an extension to hold the hearing to August 24th.

Jacob Pride motions to request an extension from applicant and consider the matter at the August 24th meeting, Robert Lovenheim seconds. Vote: all in favor; motion carries.

Jacob Pride motions to schedule the public hearing for August 24th at 7PM, Robert Lovenheim seconds. Vote: all in favor; motion carries.

5. New Business

- a. Discuss: PA DEP Response Letter. Ron Karasek states FHE Enterprises made an application for a sewer system and SEO David Manter did not issue a permit, so the applicant approached the Township, who determined that a permit should have been issued. Mr. Manter resigned and then made a complaint to DEP. The Township was contacted by Attorney Ann Conserette, assistant counsel to PA DEP, asking for an explanation. Attorney Conserette has replied that the Township's response is insufficient. The Township will resend all of the documents to Attorney Conserette. The Board

expresses frustration that DEP did not express why the response was insufficient. Ron Karasek will call Attorney Conserette.

- b. Consider: Special Event Permit – VFW for 7/17/21 & 7/31/21 Fireworks. Brian Barrett motions to approve the application and waive the fee, Jacob Pride seconds. Vote: all in favor; motion carries.
- c. Consider: Special Event Permit – DWG FD for 9/11/21 – Workout at Minisink Park. This event will not conflict with soccer. Jacob Pride motions to grant the application and waive the fee, Robert Lovenheim seconds. Vote: all in favor; motion carries.
- d. Consider: Special Event Permit – DWG FD for 9/25/21 – Wrestling Show at Minisink Park. The Township does not have a certificate of insurance for the wrestling company. Jacob Pride motions to table, Brian Barrett seconds. Vote: all in favor; motion carries.
- e. Smithfield Gateway Update. Jim DePetris overviews the project: the PennDOT application is filed and they are working on the developer's agreement, letters of credit, contracts, the condominium agreement, and water and sewer agreements. Doug Olmstead states all documents are going into escrow with Pocono Mountain Land Abstract Company and the closing escrow agreement will outline what needs to be completed for each item to be released. Jim DePetris discusses the escrow, letters of credit, and reductions in the letter of credit.

Doug Olmstead states in the process of preparing legal descriptions, it was discovered that the real estate purchased from Charlie Kirkwood did not include the Mosier Farm Drive cul-de-sac. The original agreement of sale included the cul-de-sac, but was modified for a subdivision and accidentally left out. There is an agreement for a cross easement for Shawnee Ridge, University Park, and Mosier Development to use the road. DEPG is trying to purchase the cul-de-sac and amend the approved plans.

Doug Olmstead explains the Assessment Office requested that DEPG add a signature block for Shawnee 2 on the major subdivision and LDP. The new tax parcel numbers are on the subdivision plan.

- f. Schedule ED Zone Joint Meeting. The Planning Commission is available to meet on Tuesday, August 24th at 4PM or later. Brian Barrett motions to hold the meeting on Tuesday, August 24th at 4PM, Jacob Pride seconds. Vote: all in favor; motion carries.
- g. Discuss: Zelenkofske Axelrod LLC Proposal for ARP Funds. The Township has not received a proposal from Zelenkofske Axelrod yet. Brian Barrett believes they quoted the Township \$19,000. Jacob Pride votes to table until next meeting, Robert Lovenheim seconds. Vote: all in favor; motion carries.
- h. Consider: Barry Isett Contract for Professional Services – Marshalls Falls. This proposal for \$15,000 relates to the \$40,000 Redevelopment Authority grant for the demolition of

three structures at Marshalls Falls. Brian Barrett motions to approve the Barry Isett contract for \$15,000, Jacob Pride seconds. Vote: all in favor; motion carries.

- i. Consider: Resolution No. 482 – Application to Multimodal Transportation Fund. The Board considers a grant for \$502,398.00 with a \$150,719.40 match. This is based on all PennDOT-recommended repairs. The Board discusses repairing the Green Mountain Bridge and the possible easement at the DLP property. Jon Tresslar states the Township still owns the bridge, and the liability remains if it isn't repaired. Jacob Pride motions to adopt Resolution No. 482, Brian Barrett seconds. Vote: all in favor; motion carries.
- j. Consider: Match Commitment Letter for Multimodal Transportation Fund Application. Jacob Pride motions to have the chairman sign the match commitment letter, Robert Lovenheim seconds. Vote: all in favor; motion carries.
- k. Discuss: Act 101, Section 902 Grant. Julia Heilakka discusses the application for the Act 101, Section 902 grant, for which the Township will pursue a new leaf truck. Brian Barrett motions to pursue the Act 101, Section 902 grant, Jacob Pride seconds. Vote: all in favor; motion carries.
- l. Discuss: Draft Lot Joinder Application. The lot joinder application has been redone to illustrate what is required of applicants and staff. The solicitor and engineer will review the draft application.
- m. Discuss: Firearm Regulation Letter. The Board discusses a letter received from Firearms Industry Consulting Group stating that Chapter 6 of the Township ordinances is in violation of 18 Pa.C.S § 6120. Ron Karasek discusses Barris vs. Stroud Township and its outcomes. Robert Lovenheim states the biggest problem with shooting ranges is noise. Jacob Pride takes umbrage with the tone of the letter; the Township has the right to regulate firearms to keep people safe.

Ron Karasek explains the Township cannot regulate ownership, possession, or transportation. The Township is attempting to regulate when a citizen discharges a firearm. The basis for the reversal is that the right to bear arms without the right to shoot the firearm is the concern. Martha Carbone discusses firearm activity in Shawnee Valley. Ron Karasek will review court cases, draft an amendment to the ordinance, and send a letter acknowledging receipt of the letter to Firearms Industry Consulting Group.

- n. Discuss: Park Security. Brian Barrett is concerned with Minisink Park and people swimming illegally in the creek. Visitors are told no trespassing, no alcohol, no swimming, and no open fires. Jacob Pride motions to employ Corporate Security for the weekend, Brian Barrett seconds. Vote: all in favor; motion carries.

6. Bills to be Paid – none.

7. Public Comment

- a. Lynn Swarz states people on ATVs are using Mt. Nebo Park to party late at night. Alan Swarz understands the area is changing, but wants to preserve the serenity of the area. The Board discuss how ATVers are accessing the property.
 - b. Lynn Swarz states Rainbow Mountain has DJs outside and are being very loud; she has contacted the Liquor Control Board. The ownership changed in April of 2019, and that is when the noise concerns began.
8. Jacob Pride motions to adjourn, Brian Barrett seconds: meeting adjourned at 6:27PM.

Minutes recorded by Julia Heilakka

Respectfully submitted:



Brian Barrett, Secretary