

## ATTACHMENT 10 - 2005.12.15 BOS Minutes

A rescheduled regular meeting of the Smithfield Township Board of Supervisors was held at the township municipal building on Wednesday, December 14, 2005 at 7:30 p.m.

Present were: Wayne W. Vanderhoof (Chairman); Nicholas G. Fredericks (Vice Chairman); Stephen P. Carey (Supervisor/Roadmaster); Robert G. Williamson, Esq. (Solicitor); James V. Fareri, Esq. (Special Solicitor); David Horton, PE (Township Engineer); Wayne Rohner (Zoning Officer); Jacqueline Ocker (Secretary/Treasurer).

Also present were: John Ciliberto, Charles Vogt, Esq., John VanLuvanee, Esq., Estelle Eberhardt, PE; Len Policelli, PE, (applicants); Donna Kenderdine (court stenographer); Brian Barrett; Vince Dellafera; Attorney Phillip Rush; Holly Cadwallader; Eileen \_\_\_\_; Gwendolyn Caldwell; Bill Caldwell; Mrs. Norris; other members of Shawnee Preservation Society; Chris Karlson; Bob Shebelsky; Gerald Durkin; and other interested parties.

Mr. Vanderhoof opened the meeting with a Pledge of Allegiance to the Flag.

Mr. Carey made a motion to approve the minutes of the November 22, 2005 regular meeting as presented; second Mr. Fredericks; and unanimously carried.

### Public Comments on Agenda Items:

Attorney Phillip Rush – asked that Shawnee Preservation Society (SPS) be recognized as a part to the approval of the Shawnee Valley PRD Stage 1B final plan; informed the Board that SPS objects to the approval on the following legal grounds: extensions of the PRD approval have not be based on national economy; the Township should not have granted extensions and should not have approved the amendment to the PRD; the property in question is not under single ownership and control as required by the ordinance; there is a violation of section 14 of the ordinance due to excessive tree cutting; hydro-geological analysis is inadequate.

Eileen \_\_\_\_ - resident of Shawnee Valley. Asked if the Township would be taking over maintenance of Shawnee Valley Road and if so, would the gabion wall that has collapsed become the township's responsibility. Mr. Vanderhoof responded that the road has not been offered for dedication to the township.

### PLANS TO ACT ON:

FALLS AT MICHAELS RUN MAJOR SUBDIVISION (FINAL) – tabled at applicants request; waiver on file.

RMMI, INC./STAYBRIDGE SUITES LAND DEVELOPMENT PLAN (PRELIMINARY/FINAL) – tabled until December 27, 2005 meeting.

SHAWNEE VALLEY PRD – STAGE 1B – LAND DEVELOPMENT PLAN (FINAL) – Mr. Carey stated that due to the conflict of interest which is on file with the township he had to recuse himself from acting on this matter. Attorney Charles Vogt represented the applicant, and first addressed Mr. Rush's comments. Mr. Vanderhoof stated that the Supervisors were required to act on the plan at tonight's meeting since no further extensions of time would be granted by the applicant. If no decisive action was taken tonight, the plan would be deemed approved. Mr. Vanderhoof read the Township Planning Commission's letter dated November 17, 2005, which recommended approval of the plan with ten (10) conditions. David Horton, PE, township engineer, read his comments dated December 13, 2005 which focused mainly on stormwater management and recommended that the plan could be approved with the condition that all twenty-three (23) of the comments "of a housekeeping nature" were addressed satisfactorily. Mr. Horton also read township engineer John Henning's comments dated December 14, 2005. Outstanding items from his previous review of November 16 included: The horizontal curves on some roads with radii less than 150-feet called for in the ordinance; the concern is the ability of

fire trucks and/or other emergency services vehicles to negotiate the turns. A note concerning Laurel Run and the circle at the end of the road has not been added to the plan. The parking spaces in the right-of-way of Court A has not been addressed. The status of approval from Manwalamink Sewer and Water Company is not known. Comments by the Shawnee Fire Chief are noted as being addressed. Mr. Vogt stated that three of the engineers' comments required Township input. The horizontal curve issue – it was agreed that Mr. Horton would meet with Mr. Policelli and the Shawnee Fire Chief to review this. There are five detention basins in the project which are located in a way that the developer would prefer not to fence them; it was agreed that split rail fencing be provided as opposed to chain link fencing. The detention basins are designed for a 50-year storm, the spillway is designed for 100-year storm, the developer asked for one-half foot free board rather than one-foot, Mr. Horton agreed this was reasonable. Mr. Vogt also stated that (4) hydrants with appropriate identification markers were added at the request of the fire chief; side rails have been added to both sides of the dam crossing and are shown on the plan; and the developer would request "phased" inspections that coincide with draw-downs of the improvements security as is currently being done on other phases under construction. Mr. Vanderhoof asked if Shawnee Preservation Society had any other questions; Mr. Rush declined stating he had no other questions. Mr. Vanderhoof asked Mr. Williamson if any of Mr. Rush's previous public comments had any legal bearing on the Supervisors' action on the plan before them. Mr. Williamson responded "no". Mr. Vanderhoof made a motion to recommend that the Shawnee Valley Stage 1B Final Land Development Plan be approved with the following conditions:

- 1) That all required permits and approvals be received from outside agencies including the US Army Corps of Engineers, the PA Department of Environmental Protection; the Monroe County Conservation District; and the Pa. Department of Transportation.
- 2) That all comments in the Township Engineer's letters (David Horton, PE, Boucher & James dated December 13, 2005; and John Henning, PE, Boucher & James dated December 14, 2005) are addressed to the township's satisfaction.
- 3) That appropriate improvements security and/or bonds be provided for the project for completion of the work.
- 4) That the Developer work with the Shawnee Fire Chief and the Township Engineer to determine if emergency vehicles can safely negotiate the two curves discussed in John Henning's review letter; if said Fire Chief and Township Engineer determine that they cannot then the horizontal curve radii of these roads will be increased to the minimum radii necessary to allow emergency vehicles to safely negotiate the curves.
- 5) That split rail fencing be provided around the detention basins.

Second of motion Mr. Fredericks; Mr. Carey abstained for reasons previously stated; motion carried.

UNFINISHED BUSINESS:

MONROE COUNTY HOUSING AUTHORITY – APPROVE DEVELOPERS AGREEMENT, IMPROVEMENTS BOND, AND PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT: Mr. Vanderhoof stated that he would abstain from acting on this matter due to a conflict of interest (i.e., his firm is providing architectural design services for the project). The Township's special solicitor James Fareri reviewed the documents and stated that they were in good order. Mr. Carey made a motion to approve the Developers Agreement, the improvements bond, and the PILOT agreement for the Monroe County Housing Authority's Skyline Heights PRD as recommended by the special solicitor and to authorize that the documents be signed; second Mr. Fredericks; Mr. Vanderhoof abstained due to a conflict of interest previously stated; motion carried.

APPROVE PAYMENT REQUESTS #11 AND #12 – C&M BUILDERS – OAKDALE VILLAGE: Mr. Vanderhoof read John Henning's letters which recommended approval of both requests. Mr. Fredericks made a motion to approve Payment Request #11 in the amount of \$144,960.12, as recommended by the Township Engineer; second Mr. Carey; and unanimously carried. Mr. Fredericks made a motion to approve Payment Request #12 in the amount of \$98,409.05, as recommended by the Township Engineer; second Mr. Carey; and unanimously carried.

ANNOUNCE REORGANIZATION MEETINGS: Mr. Vanderhoof announced that the Supervisors' annual Reorganization Meeting will be held Tuesday, January 3, 2006, 4:30 p.m. Also, the Auditors' annual Reorganization Meeting will be held Wednesday, January 4, 2006, at 4:30 p.m. Both meetings will be held at the township municipal building.

SUPERVISOR STEPHEN CAREY – REQUEST FOR INCLUSION IN INSURANCE PROGRAMS: Mr. Carey stated that he is retiring from Mellon Bank effective December 31, 2005, and will be employed by the township as a full-time Roadmaster. His request is to be included in the township's dental, vision, accident and short term disability, and life insurance policies, and he will retain his hospitalization insurance through Mellon Bank. Mr. Vanderhoof made a motion to approve Mr. Carey's request for inclusion in the insurance programs stated in his letter dated December 14, 2005; second Mr. Fredericks; and unanimously carried.

APPROVE CHANGE IN SCOPE OF EPA GRANT FUNDING AND AUTHORIZE NOTIFICATION LETTER TO EPA: Mr. Carey made a motion to approve the change in scope of the EPA grant including project description, costs, and project schedule as recommended by the township's engineering firm, F. X. Browne, Inc., and to authorize a notification letter to be sent to EPA; second Mr. Vanderhoof; and unanimously carried.

APPROVE F. X. BROWNE, INC. PROPOSAL FOR ENGINEERING SERVICES – EAST BROWN STREET SEWER LINE EXTENSION: Mr. Carey made a motion to approve the F. X. Browne, Inc. proposal in the amount of \$46,500.00 as set forth in their letter dated December 5, 2005; second Mr. Fredericks; and unanimously carried.

APPROVE AGREEMENT OF SALE OF "INDIAN CHAIR" PROPERTY: Mr. Fredericks made a motion to approve the agreement of sale with Depuy III, LP in the amount of \$60,000.00, and to authorize payment of the \$1,000.00 deposit requested by the seller; second Mr. Carey. Public Comments – Brian Barrett asked how many acres were being purchased for \$60,000; Mr. Fredericks responded (6) acres more or less. Mr. Barrett was concerned that the township was paying \$10,000 per acre for land that would remain as open space. Mr. Vanderhoof responded that 80% of the cost would be paid through the Township's TEA-21 grant from PennDOT and the remaining balance has been carried over from year to year in the budget since the grant was awarded in 2000. Mr. Carey also stated that the appraisal was done by a PennDOT approved appraiser as required by the grant. He also stated that the previous owner, Shawnee Development, now Depuy III, originally purchased the property for the express purpose of constructing a billboard on it. Motion by Mr. Fredericks was on the table to approve the agreement and authorize the \$1,000 deposit and was seconded by Mr. Carey; motion was unanimously carried.

APPROVE PLANNING MODULE EXEMPTION FOR BMJ OFFICE BUILDING: BMJ Office building is a Barth Rubin project to be located on East Brown Street. The module was recommended for approval by the Smithfield Sewer Authority. Mr. Carey made a motion to approve the BMJ Office Building Planning Module Exemption as presented; second Mr. Fredericks; and unanimously carried.

There was no other business.

BILLS TO BE PAID: Bills in the amount of (General Fund - \$198,750.66; Park Fund - \$596.38; Highway Fund - \$5,612.80; for a total of \$204,959.84) were presented for approval. Mr. Carey

made a motion to approve the bills for payment as presented; second Mr. Fredericks; Mr. Vanderhoof abstained from voting on paying the Schoonover and Vanderhoof invoice only; motion carried.

PUBLIC COMMENTS:

\_\_\_\_\_ Norris – asked why a new municipal building is needed and where it will be constructed. Mr. Vanderhoof responded that the township had outgrown the existing municipal building which was built in 1972 both in the garage and office areas. In addition, PennDOT has advised the township that a significant portion of the front along Route 209 will be taken in the next phase of the 209 bypass. This taking will create a very dangerous situation not only for the township's road personnel trying to access the road with large trucks and heavy equipment but also for those wanting to conduct business in the township building. The new municipal center will be built at Waterfront Park and property has already been set aside for the site. When the sewer authority's bond was refinanced and taken over by the township, proceeds in the amount of \$3million were realized; those funds have been set aside and specifically earmarked for construction of the new building.

Brian Barrett – with regard to Mr. Vanderhoof's abstention on the Schoonover and Vanderhoof invoice under Bills to be Paid, asked how Mr. Vanderhoof can be the architect for the new building and be a township supervisor. Mr. Vanderhoof responded that his firm was involved in the design process well before he became a Township Supervisor. Construction of a new municipal center has been discussed for several years, even going back to Al Wilson's tenure, and with re-financing of the bond issue the funds finally became available.

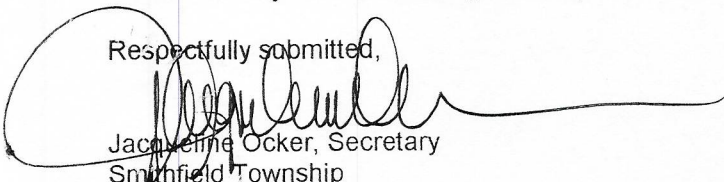
Holly Cadwallader – asked about the timeframe for construction of Shawnee Valley Stage 1B. Mr. Vanderhoof responded that the permit process could take a year or more.

Vince Dellafera – stated it was his understanding that the developer cannot start work on the project until all permits from outside agencies are received. Mr. Vanderhoof responded that his understanding was correct.

Gwendolyn Caldwell – asked if there was a difference in "addressing" conditions versus "meeting" conditions in a conditional approval. Mr. Vanderhoof responded that a developer must MEET all conditions of a conditional approval to the satisfaction of the Township Supervisors and Engineer.

There were no other public comments. There was no other business to discuss. Mr. Carey made a motion to adjourn the meeting at 9:00 p.m.; second Mr. Fredericks.

Respectfully submitted,



Jacqueline Ocker, Secretary  
Smithfield Township