

THE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS  
REGULAR BUSINESS MEETING  
JUNE 8, 2022

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A Regular Business Meeting of the Smithfield Township Board of Supervisors was held on June 8, 2022, 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 (via Zoom), Solicitor Ronold Karasek (via Zoom at 4PM, in person at 6PM), Engineer Jon Tresslar (via Zoom at 4PM, in person at 6PM), and Office Manager Julia Heilakka.

Also present are John Eilenberger, Cody Eilenberger, Michelle Bisbing, Marc Wolfe, Joe Correia, Vicky Ozgun, and Martha Carbone.

1. Chair Jacob Pride calls the meeting to order at 4:04PM. A quorum is present.
2. The Pledge of Allegiance is recited.
3. Announcements
  - a. The Board held an Executive Session on May 25, 2022 from 8:18PM – 8:30PM to discuss the Board of Auditors litigation.
  - b. Board of Supervisors meetings are now on the second and fourth Wednesdays at 6PM.
  - c. The public is reminded that the meeting will reconvene at 6:00PM after the hearing.
4. Minutes
  - a. Robert Lovenheim motions to approve the minutes from the May 25, 2022 regular meeting, Brian Barrett seconds. Vote: all in favor; minutes accepted.
5. Public Hearing – Economic Development Zone Map Change
  - a. The public hearing is opened at 4:06PM. Ron Karasek states this public hearing is for a zoning map change. A court stenographer is not required. On record, exhibit B-1 is three advertising notices (2 under the name of the Township and 1 under the solicitor's) as advertised on May 23 and May 31, 2022, B-2 is copies of the Township letters that were sent to the affected property owners, and B-3 is the Certificate of Posting of the premises.

This ordinance considers adding six additional parcels to the Economic Development zone. Robert Lovenheim states the properties were left out of the ED zone initially as an oversight; they are surrounded by the ED zone. He wrote to the owners of the properties and asked if they would be interested in the shift, and heard back from four of the six property owners, all who were in favor. The Board confirms the trailer court is not in the ED zone. Ron Karasek confirms that the township's official map will need to be updated.

John Eilenberger and the Board discuss uses in the ED zone. Robert Lovenheim motions to close the public hearing, Brian Barrett seconds; public hearing closed at 4:19PM.

Robert Lovenheim motions to adopt Ordinance No. 244, Jacob Pride seconds. No public comment. Vote: all in favor; motion carries. The Board recesses at 4:21PM and reconvenes at 6:03PM.

## 6. New Business

- a. Consider: Ordinance No. 244 – Technical Amendments to the Economic Development Zone. [see item 5.a]
- b. Discuss: Airstrip Road Ownership. Michelle Bisbing states Pocono Mountain Industries (PMI) received a grant to extend a waterline down Airstrip Rd. The line will be turned over to Brodhead Creek Regional Authority (BCRA). A part of Airstrip Road is owned by the defunct Delaware Valley Railroad. Marc Wolfe, attorney for PMI, states the strip runs from the Black Buffalo property line to Airport Rd. The Township's sewer authority was pursuing a declaration of taking through the property but abolished it in 1990. The only logical entity to exercise eminent domain is the township.

Joe Correia states on behalf of Black Bufflao and Slater Holdings, if the township takes the road now, the township will be absolved of any maintenance and construction activities and costs, and the road will be upgraded to township standards before the entire road is turned over to the township. Jon Tresslar will review the title report; this course of action makes sense. The Board discusses who will pay the cost for the township invoking eminent domain on the property. Marc Wolfe states once the eminent domain is filed, the land belongs to the township.

Robert Lovenheim motions to start discussions with the township pursuing the eminent domain pending a draft from the applicant paying for the cost of eminent domain as well as absolving the township of any maintenance and construction costs related to the portion of the road that owned by the township, Brian Barrett seconds. No public comment. Vote: all in favor; motion carries.

- c. Consider: Juneteenth Federal Holiday & Township Holiday Schedule. The Board discusses the new federal holiday. Robert Lovenheim motions to close the office for Juneteenth, Brian Barrett and Jacob Pride second. Vote: all in favor; motion carries.
- d. Consider: Reinstate 2019 Feral Cat Policy. The Board discusses formally adopting a feral cat policy that was only ever a verbal one. The Board will make the policy available only to township residents. Brian Barrett will look for notes on the old verbal policy.
- e. Consider: Authorize Advertisement of Draft Ordinance No 245 – Stormwater Management. This ordinance update complies with the Act 167 plan. Missy Hutchison

will present the draft to the Board soon. Jacob Pride motions to authorize advertisement, Robert Lovenheim seconds. No public comment. Vote: all in favor; motion carries.

- f. Consider: Resolution No. 505 – Declaring June 2022 LGBTQIA+ Pride Month. Brian Barrett motions to adopt Resolution No. 505, Robert Lovenheim seconds. No public comment. Vote: all in favor; motion carries.
- g. Consider: Special Event Permit – Gimmick Car Rally. A small portion of the event is in the township; there will be a game of croquet at Minisink Park, and it will not be on the soccer fields. Jacob Pride motions to approve the application and waive the fee, Robert Lovenheim seconds. Vote: all in favor; motion carries.
- h. Discuss: Nuisance Ordinance. Robert Lovenheim discusses an ordinance from Dane County in Wisconsin related to nuisances; the ordinance is very broad and could be challenged on many levels, but it makes a statement about noise. It is difficult to write an enforceable nuisance ordinance.

Current noise frustrations in the township include bars with outdoor music, noise related to the discharge of firearms, and ATV usage after dark. Vicky Ozgun asks how the township would regulate shooting after dark. Robert Lovenheim states measuring decibels is extremely difficult. The Board discusses possible ways to enforce a nuisance ordinance. Ron Karasek suggests a noise control standard on special event permits, and reminds everyone that the LCB regulates noise from bars through liquor licenses. Martha Carbone states firearms are also a safety issue. Ron Karasek will research ordinances.

## 7. Board of Supervisors Report

- a. Robert Lovenheim asks how the township's insurance covers volunteers working on township property.

## 8. Bills

- a. Approve: \$184,713.03. This bill pack includes normal bills plus fire company contributions, a fire escrow release, and park reimbursable expenses. Robert Lovenheim motions to pay the bills, Brian Barrett seconds. No public comment. Vote: all in favor; motion carries.

## 9. Reports

- a. Solicitor's Report - Ron Karasek states the Eagle Valley plans should be placed on a meeting agenda. The Planning Commission (PC) felt no reason for a second conditional use. He has not heard from the Zoning Officer. The supplemental review plan will be conditioned on Stroud Township's favorable review. Both hearings will occur at 6PM.

Current open plans with the township include Moove In Self Storage, Franklin Hill, Black Buffalo, and the Shawnee Valley PRD (SVPRD). Jon Tresslar states the Franklin Hill plan shows the road improved from the intersection to the end of the property.

Ron Karasek states the Stratz conditional use has been withdrawn.

- b. Engineer's Report - Jon Tresslar states the tentative plan for SVPRD was approved, but they still need to submit a final plan. Jon Tresslar will not have a review letter for SVPRD prepared in time for tomorrow's PC meeting.

Jon Tresslar discusses the proposed bridge for the Shawnee golf course. Julia Heilakka states the applicant's contractor was emailed that the bridge will require a new hearing.

#### 10. Public Comment


- a. Howard Ike, Chief of Delaware Water Gap Fire Department (DWGFD), states they are waiting on an LSA grant to renovate the firehouse. They have also applied for a grant to replace 16 air packs and 32 cylinders at a cost of \$140,000. Howard Ike requests a meeting with the Board. DWGFD is still waiting on the county regarding radios.
- b. Vicky Ozgun asks for an update on the Auditors case. Ron Karasek replies an attorney contacted him and they keep missing each other on the phone. Vicky Ozgun asks if Ms. Davis can make a decision for the auditors. Ron Karasek replies the auditors must approve the lawyer at a public meeting; Ms. Davis does not make the final decision.
- c. Marth Carbone asks about the SVPRD submittal date. The Board discusses the submittal date. Jon Tresslar will prepare a letter stating the application has been received.
- d. Robert Lovenheim discusses benches in Mt. Nebo Park. He will prepare the bench contract for reimbursement.
- e. Vicky Ozgun asks about the Budget & Finance Manager position. Jacob Pride replies the township is interviewing a candidate next week.

11. Jacob Pride motions to adjourn, Robert Lovenheim seconds; meeting adjourned at 7:14PM. The Board enters executive session.

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Minutes recorded by Julia Heilakka

Respectfully submitted:

  
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Julia Heilakka, Assistant Secretary