

THE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS
REGULAR BUSINESS MEETING
AUGUST 24, 2022

A Regular Business Meeting of the Smithfield Township Board of Supervisors was held on August 24, 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, Engineer Jon Tresslar, and Office Manager Julia Heilakka.

Also present are Tim Carbone, Kenneth Carey, Vicky Ozgun, Charlie Vogt, Martha Carbone, Lisa Clarke, Marty Bartholemew, and Ted Snow.

1. Chair Jacob Pride calls the meeting to order at 6:05PM. A quorum is present.
2. The Pledge of Allegiance is recited.
3. Announcements
 - a. The Board held an Executive Session on Wednesday, August 24, 2022 from 5:41PM - 5:57PM regarding Shawnee Valley PRD litigation and the settlement agreement.
 - b. The Board of Supervisors August 10th meeting was cancelled.
4. Minutes
 - a. Robert Lovenheim motions to approve the minutes from the July 13, 2022 and July 27, 2022 regular meetings, Brian Barrett seconds. Vote: all in favor; minutes accepted.
5. Reports
 - a. Solicitor's Report
 - i. Ron Karasek sent the July report to the Board earlier today.
 - ii. Ron Karasek discusses SVPRD. The 2005 Shawnee development plan was approved with conditions, but the agreement of 2009 changed provisions of Stage 1b. The agreement has a dispute resolution provision which requires a good faith meeting before asking for a court opinion. Jacob Pride states the consensus of the Board is that because the township is party to the settlement it is important for fair arbitration, so parties should seek relief from the court. Brian Barrett motions to have the solicitor contact the other two parties to request that they engage in a good faith consultation and, if unable to find a resolution, to file a motion in court for a decision, Robert Lovenheim seconds. Tim Carbone confirms the process for dispute resolution. Ron Karasek reads the dispute resolution clause; a joint motion from the two parties to the court would be best. Vote: all in favor; motion carries.

b. Engineer's Report

- i. Jon Tresslar is reviewing plans. Fishing pier construction has begun and his team is monitoring the improvements at Gateway.

6. New Business

a. Consider: Consent Agenda.

- i. Authorize Advertisement of Budget Sessions – 10/12, 10/26, 11/9, 11/23 at 10 AM.
- ii. Request Planning Commission Review for Ordinance No. 246 – Stormwater Management.
- iii. Authorize 2nd Annual Smithfield Township Trunk or Treat – 10/23 from 2PM to 4PM
- iv. Set Hours for Trick or Treating in 2022 – 10/31 from 4PM to 7PM.
- v. Authorize Proclamations for Community Event Recognitions.
- vi. Approve Memorandum of Understanding with Teamsters 773.
- vii. Approve PennDOT Sign Replacement on River Road.
- viii. Approve Zoning Map Update Pursuant to Ordinance No. 244.
- ix. Authorize Labor Day Weekend Security Services at Minisink and Marshalls Falls.
- x. Authorize Lucas DeBartolo with Non-Signatory Access on Township Accounts.
- xi. Adopt Resolution No. 507 – Authorizing Budget & Finance Manager as Berkheimer Liaison.

Jacob Pride motions to approve the consent agenda, Robert Lovenheim seconds. No public comment. Vote: all in favor; motion carries.

- b. Consider: Schedule & Advertise Conditional Use Hearing for Shawnee Inn Golf Bridge. The hearing must be held on or before October 4th. The Board discusses a hearing date. Robert Lovenheim motions to hold the hearing on September 14, 2022 at 6PM, Brian Barrett seconds. Kenneth Carey of Riley Associates confirms this works for Shawnee Inn. Vote: all in favor; motion carries.

- c. Consider: Moove In Self Storage Land Development Plan. Ron Karasek states the plan has been reviewed by the township's Planning Commission and recommended for conditional approval. The Board considers the following waiver requests:

- i. Waiver #31 – The applicant requests a partial waiver to permit an aerial photograph to satisfy feature requirements. Jon Tresslar consents to the waiver. Jacob Pride motions to grant the waiver, Robert Lovenheim seconds. No public comment. Vote: all in favor; motion carries.
- ii. Waiver #44 – The applicant requests a deferral letter. Robert Lovenheim motions to approve this waiver, Brian Barrett seconds. Vicky Ozgun asks what project this is for and is told Moove In Self Storage. Vote: all in favor; motion carries.

- iii. Waiver #52 – The applicant requests a deferral because stormwater goes to Delaware Water Gap Borough. Jacob Pride motions to grant the waiver and deferral request, Robert Lovenheim seconds. No public comment. Vote: all in favor; motion carries.
- iv. Waiver #60 – The applicant requests a waiver on slopes. This protects existing environmental features at the site. Jacob Pride motions to approve the waiver, Robert Lovenheim seconds. No public comment. Vote: all in favor; motion carries.
- v. Waiver #66 – The applicant requests that roof drains discharge into the rain garden. Jon Tresslar states the basin is designed to clean and filter water, so this is acceptable. Robert Lovenheim motions to grant the waiver, Brian Barrett seconds. No public comment. Vote: all in favor; motion carries.
- vi. Waiver #65 – Donald Haas of Bogia Engineering asks the township to consider Waiver #65; it is the same as SALDO waiver #52, but in the stormwater ordinance. Jacob Pride motions to grant waiver #65, Robert Lovenheim seconds. No public comment. Vote: all in favor; motion carries. Ron Karasek reviews the conditional approval form and references the township engineer’s review letter dated July 25, 2022. Robert Lovenheim motions to approve the LDP conditioned on the approval form, Jacob Pride seconds. No public comment. Vote: all in favor; motion carries.

Ron Karasek received a letter from Devon Myers on behalf of Moove In Self Storage regarding a special exception deemed approval. The township’s Zoning Officer believes permits and hearings are not required because the parcel pays taxes to only Delaware Water Gap Borough, so no action was taken by the township. The applicant is concerned because the property is an existing non-conforming use, and asks the township to agree to the deemed approval. Robert Lovenheim motions to approve and advertise the deemed approval, Jacob Pride seconds. The Zoning Officer conveyed the decision over email, and it may be appealed. No public comment. Vote: all in favor; motion carries.

- d. Discuss: Delaware Water Gap National Recreation Area. This item is tabled.
- e. Discuss: Green Mountain Dr. Realignment & Bridge Replacement Project. After much discussion with Charlie Vogt, the Board decides to pursue an emergency access easement for while Green Mountain Drive bridge is being repaired.
- f. Discuss: Welcome Sign – Middle Smithfield (MST) and Smithfield Townships. MST is interested in a joint welcome sign at the border of the townships. The sign will exist outside the PennDOT right-of-way. The township awaits more details from the Zoning Officer. The Board will discuss this at the September 14th meeting.
- g. Discuss: DCED LSA – Monroe Grant Application. The Board discusses repairing or renovating the Waterfront Park house and decides to pursue repairs. Jon Tresslar will

inspect the house and provide a cost summary. Martha Carbone confirms the location of the park house. Robert Lovenheim wants a long-term plan for the property.

- h. Consider: Black Buffalo 3D Sewer Planning Module (SPM). All attendees are reminded that sending an SPM to DEP does not constitute approval of the project. Jon Tresslar states this is required by DEP for development. The Sewer Authority is satisfied with the applicant's response, so the Board may approve to submit the SPM. Lisa Clarke asks how the sewage will get to the plant. Jon Tresslar replies it will go through existing infrastructure. Lisa Clarke is frustrated with the Black Buffalo project, feels they are building without permits, is deeply concerned with the wildlife in the area, and wants the project to stop. Vicky Ozgun states she is finding rock particles on her deck from Black Buffalo and asks if the sewage will go into basins. Jon Tresslar states sewage stays in contained lines and the mailer discusses capacity, it does not approve the design.

Jacob Pride states that the Board must submit the mailer to get information to DEP. Jacob Pride motions reluctantly to send the mailer to DEP, Robert Lovenheim seconds. No public comment. Vote: Jacob Pride and Robert Lovenheim in favor, Brian Barrett abstains; motion carries.

- i. Consider: Approve Smithfield's Participation in Emergency Services Assessment. Ron Karasek discusses his comments on the agreement. Robert Lovenheim motions to approve the contract conditioned on Ron's comments being addressed and approves \$8,686.89 for payment, Jacob Pride seconds. No public comment. Vote: Jacob Pride and Robert Lovenheim in favor, Brian Barrett opposed; motion carries.
- j. Consider: Marshals Falls Phase 1 Bid. The Marshalls Falls bid came in much higher than expected. Grants from DCED and DCNR are shifting to accommodate the additional expense, but there is a \$300,000 deficit. Jacob Pride motions to ask DCNR for additional funding, Brian Barrett seconds. No public comment. Vote: all in favor; motion carries.

7. Board of Supervisors Report

- a. Jacob Pride thanks everyone for attending.

8. Bills

- a. Approve: \$190,023.48 (General Fund - \$158,485.08, Highway Fund - \$31,538.40). Robert Lovenheim motions to pay the bills, Brian Barrett seconds. No public comment. Vote: all in favor; motion carries.

9. Public Comment

- a. Desire Seinna compliments the Board on the meeting format, asks about leaf pickup for Delaware Water Gap Borough, and mentions a depression on Cherry Valley Rd. Jacob

Pride replies completing leaf pickup for the borough is the start of a municipal relationship. Brian Barrett leaves at 7:46PM.

- b. Marty Bartholemew states there may be a reason more contractors did not bid on Marshalls Falls. Julia Heilakka expresses concerns over shifting the scope of work.
- c. Lisa Clarke asks about the Marshalls Falls house, which will be torn down.
- d. Ted Snow compliments the Board on the meeting format.

10. Robert Lovenheim motions to adjourn, Jacob Pride seconds; meeting adjourned at 7:56PM.

Minutes recorded by Julia Heilakka

Respectfully submitted:



Julia Heilakka, Assistant Secretary