

THE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS  
REGULAR BUSINESS MEETING  
FEBRUARY 22, 2023

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A Regular Business Meeting of the Smithfield Township Board of Supervisors was held on February 22, 2023, 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, Brian Barrett (arrives via Zoom at 6:11PM), Solicitor Ronold Karasek (via Zoom), Engineer Jon Tresslar, and Township Manager Julia Heilakka.

Also present are Pam Barrett, Pete Begley, and Martha Carbone.

1. Chair Jacob Pride calls the meeting to order at 6:00PM. A quorum is present.
2. The Pledge of Allegiance is recited.
3. Announcements – none.
4. Minutes
  - a. Robert Lovenheim motions to approve the minutes from the February 8, 2023 regular meeting, Jacob Pride seconds. Vote: all in favor; minutes accepted.
5. Reports
  - a. Solicitor’s Report
    - i. Ron Karasek spoke with Attorneys Thomas Wyatt and Syndey Melillo, who represent 42 Smithfield residents served by Delaware Water Gap Borough’s public water service. There are six landowners that have a waterline on their property, but there is no waterline easement. The Borough’s water authority needs to create the easement and repair the waterline, but only two of the six owners have agreed so far. The authority can condemn the property for the easement but needs a resolution from the township. The Board will wait to see if more landowners agree to the easement before considering additional action.
  - b. Engineer’s Report
    - i. Jon Tresslar states his firm is working on Act 167 (Stormwater) updates and will have a draft ordinance update to the Board soon.
6. New Business
  - a. Consider: Consent Agenda.

- i. Consider: Authorize Advertising 2023 Ground Fertilization Proposal Bid Notice.
- ii. Consider: Resolution No. 523 – Depositories.
- iii. Consider: Resolution No. 524 – PennDOT MTF Grant.

Robert Lovenheim motions to approve items 1 and 2 of the consent agenda, Jacob Pride seconds. No public comment. Vote: all in favor; motion carries. [See item 6.k for discussion on 6.a.iii.]

- b. Discuss: River's Edge Bike Park Proposal. The Township received a \$27,000 proposal from LVL Engineers that includes surveying the Bike Park to create a set of as-built plans, putting the project out to bid, and overseeing construction to bring River's Edge Bike Park into compliance with its NPDES permit. The Board will send the proposal to Middle Smithfield Township for their comments.
- c. Consider: Send Draft Solar and Warehouse Ordinance to the Planning Commissions. Smithfield Township declared their ordinances for solar and warehouses insufficient on September 28, 2022, and must act by March 27, 2023. The Board will consider the adoption of this ordinance on March 27<sup>th</sup> at 6PM to provide the minimum 30-day review window for the planning commissions. Jacob Pride thanks everyone who worked on the ordinance. The Board determines that solar energy fields should not be allowed in R-2. Robert Lovenheim motions to send the ordinance to the planning commissions for review pending the removal of the R-2 district from Section 3.1, Jacob Pride seconds. No public comment. Vote: all in favor; motion carries.
- d. Consider: Schedule Special Board of Supervisors Meeting for March 27<sup>th</sup> at 6 PM. The Board must schedule this meeting to consider the solar and warehouse ordinance as discussed above. Robert Lovenheim motions to advertise a special meeting for March 27<sup>th</sup> at 6PM, Jacob Pride seconds. No public comment. Vote: all in favor; motion carries.
- e. Consider: Pocono Mountain Visitors Bureau (PMVB) Grant Commitment Letter Discussion. Brian Barrett joins the meeting at 6:11PM. Julia Heilakka reached out to a second tree cutting service for Minisink Park, and is waiting for a cost estimate. The Board approves a commitment letter for the PMVB grant up to \$10,000.

Pam Barrett states Lee Bower offered to cut down the trees in the park for free if he gets to keep the wood. The township will reach out to Lee Bower to determine if he has the proper insurance but will still pursue the grant.

- f. Consider: PMIPA/BCRA Agreement (Airstrip Rd Discussion). Ron Karasek reviewed the cost reimbursement agreement, which will reimburse the township for costs associated with condemning a portion of Airstrip Rd. There is no cost ceiling in the agreement. The utilities agreement does not involve the township. Robert Lovenheim motions to sign the cost reimbursement agreement, Jacob Pride seconds. No public comment. Vote: all in favor; motion carries.

- g. Discuss: Walter Sansone Contract. Jacob Pride recuses himself from the conversation. Robert Lovenheim states Mr. Sansone will complete the second statue by the end of the week, but suggests releasing the payment a few days early and considers reformatting the contract to pay \$10,000 now, \$10,000 when the second statue is complete, and then reserve \$10,000 for the installation. Ron Karasek states if there are two supervisors who disagree, the third supervisor with a conflict can vote but isn't required to. Pam Barrett states the project is a waste of taxpayer funds. Robert Lovenheim replies this is a grant. Robert Lovenheim motions to approve the payment of \$10,000 now and amend the contract as stated earlier. No second; motion dies.

Pam Barrett asks why the township hasn't maintained the frisbee golf course. Jacob Pride replies the township applied for and received a master site plan grant, and the township's roadcrew can complete some of the cleanup work, which will be considered in the spring.

- h. Discuss: Attestation of Payment Liens. Robert Lovenheim wants to ensure the liens on properties are paid if they are purchased at upset sale. Developers purposely delay Certificates of Occupancy to avoid taxes. Pam Barrett states the zoning officer should go to the courthouse and look up liens. Ron Karasek states the township has a permit denial ordinance, but he will research more and report back to the Board.
- i. Discuss: Parking Requirements in Ordinances. The Board requests the Planning Commission reassess the township's parking requirements; reducing requirements may be beneficial. Pam Barrett states people drive bigger cars now.
- j. Discuss: Delaware Water Gap Volunteer Fire Company Request. At the previous meeting, Chief Howard Ike asked the township for financial assistance with air pack purchases. Lucas DeBartolo suggested options that will save the fire company \$18,274.63 and found a \$27,000 loan at 2%. The Board agrees to not provide a contribution but will pass on the financial advice.
- k. [Item 6.a.iii] Consider: Resolution No. 524 – PennDOT MTF Grant. Jacob Pride recuses himself. PennDOT requested clarification on titles and the grant amount. Brian Barrett motions to approve Resolution No. 524, Robert Lovenheim seconds. No public comment. Vote: Robert Lovenheim and Brian Barrett in favor, Jacob Pride abstains; motion carries.
- l. Return to Item G. Robert Lovenheim asks that Brian reconsider. Ron Karasek states the motion did not pass, but Mr. Lovenheim could approach Mr. Sansone to see if he'd be willing to amend the contract.

## 7. Board of Supervisors' Report

- a. Brian Barrett states there is a Zoning Hearing Board (ZHB) meeting on March 7<sup>th</sup>, and he would like Solicitor Karasek to attend for informational purposes. Pam Barrett doesn't feel the ZHB can reliably act; they should have a workshop with the Board. Jacob Pride replies that is inappropriate because of separation of powers.

Ron Karasek will attend the hearing. Brian Barrett states the applicant is asking for multiple variances. Martha Carbone asks for clarification on the discussion topic. Ron Karasek replies Westfield Commons, a proposed development on Parcel 16.92932, has filed an application for a ZHB meeting requesting multiple variances for the project.

- b. Martha Carbone confirms the March 27<sup>th</sup> meeting is for the adoption of the solar and warehouse ordinance.

8. Bills

- a. Approve: \$62,175.41(General Fund). Robert Lovenheim motions to pay the bills, Brian Barrett seconds. No public comment. Vote: all in favor; motion carries.

9. Public Comment


- a. Ron Karasek states Westfield Commons variance requests relate to off-street parking in a front yard setback, building height, parking space size, and number of off-street parking spaces. The ZHB can hold one hearing for all of the variances, but the ZHB must vote on each variance by separate motions.
- b. Pam Barrett asks if the township has appraised the land near Lake Valhalla yet. Robert Lovenheim replies no, and states that people have trespassed on the land and killed wildlife. Pam Barrett states the township should not buy the property.
- c. Pam Barrett disagrees with Westfield Commons. Jacob Pride replies the matter is before the Zoning Hearing Board.
- d. Pete Begley thanks the Board and states today is George Washington's birthday.

10. Brian Barrett motions to adjourn, Robert Lovenheim seconds; meeting adjourned at 7:07PM.

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Minutes recorded by Julia Heilakka

Respectfully submitted:

  
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Julia Heilakka, Assistant Secretary