

THE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS
REGULAR BUSINESS MEETING
MARCH 8, 2023

A Regular Business Meeting of the Smithfield Township Board of Supervisors was held on March 8, 2023, at the Smithfield Township Municipal Center at 1155 Red Fox Rd, East Stroudsburg, PA 18301, and via Zoom.

1. Chair Jacob Pride calls the meeting to order at 6:00PM. A quorum is present.
2. The Pledge of Allegiance is recited.
3. Present are Supervisors Jacob Pride, Robert Lovenheim, and Brian Barrett (via Zoom), Solicitor Ronold Karasek, Engineer Jon Tresslar, and Budget & Finance Manager Lucas DeBartolo.

Also present are Desiree Siena and Pete Begley.

4. Announcements: none.
5. Minutes
 - a. Robert Lovenheim motions to approve the minutes from the February 22, 2023, Regular Business Meeting.

Brian Barrett comments regarding the large payments made to Gallery Works for park sculptures. Budget & Finance Manager Lucas DeBartolo confirms payments are being made according to the agreed upon contract.

Jacob Pride seconds the motion. No public comments. Vote: (2-1) Robert Lovenheim and Jacob Pride in favor, Brian Barrett opposed. Motion carries, minutes accepted.

6. Public Hearings: none.
7. Plans to Act On: none.
8. Reports
 - a. Solicitor's Report

Attorney Karasek reviewed final documents for the reimbursement agreement and utility agreement and is working on a condemnation matter with Attorney Wolfe. One action has been filed regarding the Shawnee Preservation Society lawsuit, and will need to be discussed in executive session. Attorney Karasek asks the board to schedule for this evening. He also prepared and scheduled the advertising for the warehouse and solar zoning ordinance updates to be reviewed at a special meeting on Monday, March 27th.

b. Engineer's Report

Smithfield Gateway submitted another final plan for a section regarding Wawa. They have received this application and recommended to the Smithfield Planning Commission that they recommend the plan for acceptance for Supervisor review. He has been contacted by the Township's insurance attorney for the Schryver lawsuit and is scheduling a meeting for that.

9. New Business

a. Consider: Consent Agenda.

i. Consider: Resolution No. 525 – Fee Schedule.

Jacob Pride discusses a slight change to the fee schedule, incorporating field use fees, and changes due to state law.

ii. Consider: Award Ground Fertilization Bid to Lawn Specialties for Three Years.

Jacob Pride comments this will save the township money as compared to the previous fertilization provider.

iii. Consider: Schedule Shawnee Investments Conditional Use Hearing for March 22, 2023.

This hearing is to expand their conditional use to an adjacent property for resort use, no property changes are expected.

Brian Barrett makes a motion to accept the consent agenda, seconded by Robert Lovenheim. No public comments. Vote: All in favor (3-0), motion carries.

b. Consider: Waterfront Park Phase 1 – Change Order No. 6.

Engineer Jon Tresslar describes this change as a simple change – relocating the trail as shown on the original design to the design shown on Barry Isett's design plan. The Board had agreed to this, but this change order officially documents this change. Mr. Jenkins has signed this change order, and it is now before the township to sign.

Robert Lovenheim makes a motion to approve Change Order No. 6, seconded by Brian Barrett. Jacob Pride recuses himself from this vote. No public comments. Vote: All in favor (2-0), motion carries. Abstention by Jacob Pride.

c. Consider: Appoint Engineer for PennDOT Multimodal Grant Project.

Engineer Tresslar states the township had to seek qualifications for engineers because of the grant. Chair Jacob Pride comments that only one application was received.

Motion by Robert Lovenheim to approve LVL Engineers as the engineer for the Green Mountain Bridge Multimodal Grant Project, seconded by Brian Barret. Jacob Pride recused himself from this vote. No public comments. Vote: All in favor (2-0), motion carries. Abstention by Jacob Pride.

d. Discuss: Airstrip Road Update.

Attorney Karasek describes the current state of the condemnation lawsuit. He is waiting on a map of what area is being condemned, and will do whatever he can to assist in completing this project while not needlessly spending Township time and money.

e. Discuss: Smithfield Animal Hospital Septic Planning Module.

Engineer Tresslar discusses the commercial development. Any development within the Economic Development zone is supposed to come before the Township Engineer and Board of Supervisors. In other townships he works in, all commercial projects are considered land development plans, and come before the Township Engineer and Board of Supervisors. Responsibility for these items rests with the Board and not with the Zoning Officer according to Engineer Tresslar. Jacob Pride comments that this item is a non-controversial use, but wants to follow our set rules.

Attorney Karasek comments that if the permit is issued without any additional review, this could set precedent for other cases. He recommends not approving a planning model that has not been reviewed by the Township Engineer and Board of Supervisors. The board can waive the SALDO process if they would like, but recommends taking any action after Smithfield Animal Hospital has made a presentation to the board.

Board agrees Attorney Karasek's advice to investigate how this permit was issued, and to contact the applicant to present before the board.

f. Discuss: PPL Easement at Mt. Nebo Park.

Jacob Pride comments that this expanded easement will include a total of 2.29-acres around the utility poles, not affecting the park. Currently the easement is at 100 feet, and they would like this increased to 150 feet as they need to re-dig holes for utility poles. They have no additional improvements planned, but need to re-excavate existing holes to meet current standards. Brian Barrett comments that the township could ask for \$2,000.

Robert Lovenheim comments that he would like to request PPL to build a berm at certain places where ATVs currently enter the park by the power line areas already.

Motion by Robert Lovenheim to approve the PPL easement at a \$1,000 fee with the consideration that berms are developed near common ATV access areas by the power lines, seconded by Brian Barrett. No public comments. Vote: All in favor (3-0), motion carries.

10. Board of Supervisors Report:

There is a meeting at 6pm on March 27th, 2023 for the consideration of the curative ordinance for solar and warehouses within the township. Attorney Karasek comments that he will investigate if the hearing for Shawnee's Conditional Use can remain on the schedule for March 22nd due to advertising requirements.

11. Bills

- a. Approve: Current Bills - General Fund - \$223,291.59, Liquid Fuels Fund - \$0. Total: \$223,291.59

Robert Lovenheim makes a motion to pay the bills, seconded by Jacob Pride. Brian Barrett comments he opposed due to the inclusion of the Gallery Works sculpture payment. No public comments. Vote: (2-1), Jacob Pride and Robert Lovenheim in favor, Brian Barret opposed. Motion carries.

12. Public Comment:

Pete Begley asks about minutes on the website, and what it means to waive the SALDO (Subdivision and Land Development Ordinance) process for minor plans. Attorney Karasek comments that the Supervisors cannot waive the zoning ordinance but does have the ability to waive the SALDO application process that gets presented to the Supervisors.

Desiree Siena discusses Delaware Water Gap Fire Company. She discusses the recommended plan to purchase necessary breathing apparatuses from Pocono Fire Company. She discusses the limited fundraising efforts of DWG Fire Company, and her support of the Fire Company.

Desiree Siena requests an update on Water Gap Wellness. Attorney Karasek provides an update on the Water Gap Wellness lawsuits. He comments that one of the three active cases regarding Water Gap Wellness was won by the Township upon appeal to the Commonwealth Court, stating that the Supervisors did have the right to take the actions they took. There are two other cases related to this matter are still active and in different stages in court.

13. Robert Lovenheim motions to adjourn, Brian Barrett seconds; meeting adjourned at 6:38PM.

Minutes recorded by Lucas DeBartolo

Respectfully submitted:



Julia Heilakka, Assistant Secretary