

THE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS
REGULAR BUSINESS MEETING
APRIL 26, 2023

A Regular Business Meeting of the Smithfield Township Board of Supervisors was held on April 26, 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, and Brian Barrett (via Zoom), Solicitor Ronold Karasek, Engineer Jon Tresslar, and Township Manager Julia Heilakka.

Also present are Ann (Ligi) Nicholas and Bob Holland.

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
 - a. There is a joint meeting with the Planning Commission on May 1st at 5:30PM.
 - b. Spring Cleanup is May 17th through the 20th.
4. Minutes
 - a. Brian Barrett motions to table the minutes from the April 12, 2023 regular meeting, Robert Lovenheim seconds. Vote: all in favor; minutes tabled.
5. Public Hearing – Shawnee Inn Conditional Use Application – 133 Worthington Ave. Michael Albert states that after discussion, the applicant decided to withdraw the application. Jacob Pride motions to close the hearing. Ann Nicholas and members of the public thank Michael Albert. Robert Lovenheim seconds the motion. Vote: all in favor; motion carries.
6. Plans to Act On – Smithfield Gateway Phase 1A-2. [see item 9]
7. Reports
 - a. Solicitor’s Report
 - i. Ron Karasek states discussion continues for the Airstrip Rd condemnation. There is dispute over who the proper defendants are. The applicant has agreed to reimburse up to \$15,000 for township expenses for this project.
 - b. Engineer’s Report – none.
8. New Business

- a. Consider: Consent Agenda.
 - i. Consider: Ratify Advertisement of BOS & PC Joint Session - May 1st at 5:30 PM.
 - ii. Consider: Approve 2023 Super Heat Annual Maintenance Contract.
 - iii. Consider: Authorize Advertisement for Public Works Director.
 - iv. Consider: Resolution No. 526 – Fee Schedule Update.
 - v. Consider: Approve Special Event Permit & Fee Waiver – Shawnee Mountain – July 1, 2023 – Independence Day Fireworks Display.
 - vi. Consider: Authorize Shawnee Village Block Party.
 - vii. Consider: Approve Special Event Permit – Shawnee Mountain – 9/30 & 10/01/2023 Pocono Food Truck Festival.

Robert Lovenheim questions Resolution No. 526. The change to the fee schedule is adding a drainage plan review fee per the township engineer. Robert Lovenheim motions to approve the consent agenda, Jacob Pride seconds. No public comment. Vote: all in favor; motion carries.

Brian Barrett asks for background on Public Works Director. Jacob Pride replies it is the roadmaster's position with a new title.

- b. Discuss: Airstrip Road Condemnation Update. Ron Karasek prepared a resolution for a declaration of taking for 500ft of Airstrip Rd, but was asked to table by Attorneys Wolfe and Kanzinger; there are lingering questions about the proper defendants and the condemnation. Attorney Prevoznik, attorney for BCRA, has stated parties cannot proceed with condemnation until the roadway is abandoned. Robert Lovenheim motions to table this item, Brian Barrett seconds. No public comment. Vote: all in favor; motion carries.
- c. Discuss: Act 167 Stormwater Ordinance Update. Jon Tresslar states when this process began, Monroe County Conservation District (MCCD) suggested there were only minor revisions. Many townships have disagreed, feeling that significant changes include adding 150ft buffer areas to ponds and lakes and that relief may be granted only by the Zoning Hearing Board (ZHB). The intent of the buffer is water quality, but Act 167 does not discuss water quality: it discusses rate control. The original update was adopted by townships in 2006, but this update has garnered more scrutiny.

Key takeaways from an April 20th update meeting were that townships should adopt a model ordinance but are not required to do so verbatim. Brian Barrett states Smithfield was the first municipality to pass this ordinance, and has no problem with the new buffers, but wants other opinions. Jacob Pride leaves at 6:18PM and returns at 6:19PM. Jon Tresslar states that 150ft buffers may be unfair to some residents and going to the ZHB may be too onerous. Streams and river buffers are not contentious because of floodplains, the problem is pond buffers. Brian Barrett states that could be a taking.

Jon Tresslar states the ordinances is supposed to be adopted by May 1st, though a representative from DEP made it clear that the deadline will not be enforced. Brian

Barrett states that Smithfield Township came up with 150ft buffer and he supports it; many people want to weaken the ordinance.

Jon Tresslar states he submitted a memo to the township on March 28th that took the current township ordinance and added the proposed changes; he needs guidance on buffers and who will arbitrate waivers within the buffers.

- d. Discuss: Grant Applications. Julia Heilakka states she will not pursue the PDDC grant, but will instead pursue a grant for records management. Robert Lovenheim sent a strongly worded letter to PDDC about the extensive requirements of their application.
 - e. Discuss: Non-Governmental Contributions for 2023. The Board decides to discuss this at the May 10th meeting.
 - f. Consider: East Coast IT Contract. The Board considers shifting to a new IT provider, who will provide new services and enhance office-wide filesharing. The township's original budget was \$7,500; this will save \$2,000. Robert Lovenheim motions to accept the quote, Brian Barrett seconds. No public comment. Vote: all in favor; motion carries.
 - g. Consider: Tree Removal at Waterfront Park. There are two maple trees and one pine tree near the Waterfront Park house that need to be removed. Dunkleberger's Tree Services provided a quote for \$2,400. Robert Lovenheim motions to accept the contract, Jacob Pride seconds. No public comment. Vote: all in favor; motion carries.
 - h. Consider: Award 2023 Ground Maintenance Services. Strauser's Natures Helpers was the only bid, and includes all of the same services as last year. Robert Lovenheim motions to accept the bid, Jacob Pride seconds. Brian Barrett states he will abstain because the business is owned by his son-in-law. No public comment. Vote: Jacob Pride and Robert Lovenheim in favor, Brian Barrett abstains; motion carries.
9. Plans to Act on - Smithfield Gateway Phase 1A-2. Doug Olmstead, Mike Spiegel, and John Coté present Phase 1A-2 of Smithfield Gateway, which proposes a Wawa gas station and convenience store on the corner of Music Center Drive and SR 209 (Seven Bridge Rd.) and an undesignated restaurant directly to the north, both on Parcel 16.8.2.1. The Planning Commission recommended project approval with conditions at their April 13th meeting.

John Coté presents a dark sky friendly lighting plan, and reviews the landscaping plan and waiver requests, which mirror ones granted for the Phase 1A-1 project. Any fire company will be addressed. The final plan conditional approval letter is reviewed, and the applicant signs the conditional approval checklist and returns the form to the township. John Coté reviews eleven waiver requests related to the LDP.

Jacob Pride motions to grant waiver #1 as demonstrated in the February 24, 2023 request letter, Robert Lovenheim seconds. No public comment. Vote: all in favor; motion carries.

Jacob Pride motions to grant waiver #2 as demonstrated in the February 24, 2023 letter, Robert Lovenheim seconds. No public comment. Vote: all in favor; motion carries.

Robert Lovenheim motions to grant waiver #3 as demonstrated in the February 24, 2023 letter, Jacob Pride seconds. No public comment. Vote: Jacob Pride and Robert Lovenheim in favor, Brian Barrett abstains and does not provide a reason; motion carries.

Jacob Pride motions to grant waiver #4 as demonstrated in the February 24, 2023 letter, Robert Lovenheim seconds. No public comment. Vote: Jacob Pride and Robert Lovenheim in favor, Brian Barrett opposed; motion carries.

Robert Lovenheim motions to grant waiver #5 as demonstrated in the February 24, 2023 letter, Jacob Pride seconds. No public comment. Vote: Jacob Pride and Robert Lovenheim in favor, Brian Barrett abstains; motion carries.

Jacob Pride motions to grant waiver #6 as demonstrated in the February 24, 2023 letter, Robert Lovenheim seconds. No public comment. Vote: all in favor; motion carries.

Robert Lovenheim motions to grant waiver #7 as demonstrated in the February 24, 2023 letter, Jacob Pride seconds. No public comment. Vote: Jacob Pride and Robert Lovenheim in favor, Brian Barrett abstains; motion carries.

Jacob Pride motions to grant waiver #8 as demonstrated in the February 24, 2023 letter, Robert Lovenheim seconds. No public comment. Vote: Jacob Pride and Robert Lovenheim in favor, Brian Barrett abstains; motion carries.

Jacob Pride motions to grant waiver #9 as demonstrated in the February 24, 2023 letter, Robert Lovenheim seconds. No public comment. Vote: Robert Lovenheim and Jacob Pride in favor, Brian Barrett abstains; motion carries.

Jacob Pride motions to grant waiver #10 as demonstrated in the February 24, 2023 letter, Robert Lovenheim seconds. No public comment. Vote: Jacob Pride and Robert Lovenheim in favor, Brian Barrett abstains; motion carries.

Robert Lovenheim motions to grant waiver #11 as demonstrated in the February 24, 2023 letter, Jacob Pride seconds. No public comment. Vote: Jacob Pride and Robert Lovenheim in favor, Brian Barrett abstains; motion carries. Ron Karasek will forward a SALDO waiver request to the township. Brian Barrett asks how many waivers there were and is told eleven.

Robert Lovenheim motions to approve the Phase 1A-2 final LDP with conditions as noted on the conditional approval formed that was signed by the applicant and Jon Tresslar's letter of April 11, 2023, Jacob Pride seconds. Bob Holland asks for clarification on stormwater. John Coté replies all conveyance must still have capacity requirements; the waiver is for how the pipes are designed, not for capacity or conveyance requirements.

Robert Lovenheim became very concerned with additional traffic on Music Center Dr. because of a proposed second entrance to Wawa, but believes it will not cause additional traffic. A traffic report was submitted to the township. Vote: Jacob Pride and Robert Lovenheim in favor, Brian Barrett abstains: motion carries. Jacob Pride asks why Brian Barrett has a conflict of interest. Brian Barrett does not answer.

10. Bills

- a. Approve: \$40,798.26 (General Fund: \$39,666.26, Liquid Fuels Fund: \$0, Escrow Funds: \$1,132.00). Robert Lovenheim motions to approve the bills, Jacob Pride seconds. No public comment. Vote: all in favor; motion carries.

11. Public Comment

- a. Pete Begley asks for clarification on Music Center Drive. Robert Lovenheim explains there will be a porkchop for a right-in, right-out; left turned will use the traffic light.

12. Robert Lovenheim motions to adjourn, Jacob Pride seconds; meeting adjourned at 7:16 PM.

Minutes recorded by Julia Heilakka

Respectfully submitted:



Julia Heilakka, Assistant Secretary