

THE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS  
REGULAR BUSINESS MEETING  
JUNE 14, 2023

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A Regular Business Meeting of the Smithfield Township Board of Supervisors was held on June 14, 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 (via Zoom), and Brian Barrett (via Zoom), Solicitor Ronold Karasek, Engineer Melissa Hutchison, Budget & Finance Manager Lucas DeBartolo, and Township Manager Julia Heilakka.

Also present are Constable Joseph DeBartolo, Richard Norris, Joann Norris, Pam Barrett, Debbie Kulick, Maureen Garrido, Scott Miller, Desiree Siena, Jeff Young, Tim Werkheiser, Justin Thomas, and Brian Dunlap.

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 April 12, 2023, May 10, 2023, and May 24, 2023 regular meetings, Jacob Pride seconds. Brian Barrett states he disagrees with the wording of the minutes; derogatory or offensive words should not be used. Pam Barrett states she is unfairly represented in the minutes. Pam Barrett states she does not demean anybody. Jacob Pride replies that is not true. Pam Barrett states Ken Wolfe is not doing his job, and that language used in the draft minutes is slanderous. Richard Norris states the township does whatever it wants. Robert Lovenheim states that minutes must not have editorial comments, and the township must be careful to report news. Jacob Pride asks Robert Lovenheim if he sees any problems with the minutes as presented. Robert Lovenheim would like to discuss journalist integrity and revisit the minutes. Brian Barrett states opinions are being placed in the minutes. Robert re-seconds the motion, with the understanding that he will review the minutes. Vote: Robert Lovenheim and Jacob Pride in favor; Brian Barrett opposed: motion carries.
5. Reports
  - a. Solicitor's Report – Ron Karasek's major focus has been the Airstrip Rd declaration, which has been served, and an appraisal is occurring. He has reviewed the sketch plan for a Sheetz (Parcel 16.8.2.21-4) and the First Energy Pole Yard Expansion (Parcel 16.8.2.13-2). Delaware Water Gap Capital Partners has filed a motion to reargue the conditional use case.

- b. Engineer's Report – LVL Engineering participated in a kick-off meeting for the Green Mountain Drive Bridge PennDOT Multimodal Project today.

## 6. New Business

- a. Consider: Consent Agenda.
  - i. Consider: Authorize Advertisement of 2023-2024 Material Bid Notice.
  - ii. Consider: Digital Culture Web Hosting
  - iii. Consider: Impose Special Ban of Fireworks at Municipal Parks.
  - iv. Consider: Authorize Shifting Payroll Week to Sun-Sat.
  - v. Consider: Application and Certification of Payment No. 2 – Waterfront Park Fishing Dock Project.

Brian Barrett agrees to shift payroll. Brian Barrett motions to approve the consent agenda, Robert Lovenheim seconds. Vote: all in favor; motion carries.

- b. Consider: Award Bid for Minisink Tree Cutting. The Township received a \$10,000 grant from the Pocono Mountain Visitors Bureau (PMVB) to remove dead ash trees from Minisink Park. The bid came in much lower than expected, and PMVB has permitted the township to expand tree removal to other township parks. Robert Lovenheim motions to award the bid to RJ's Tree Service for \$4,500, Brian Barrett seconds. Robert Lovenheim states in the future, he would like the Board to consider a resolution that would give bid preference to township residents if all other items in the bid are equal, Brian Barrett agrees. No public comment. Vote: all in favor; motion carries.
- c. Consider: Authorize Advertisement for Community Engagement Coordinator. This position was budgeted in the 2023 budget and will authorize placing the ad only; it will not hire anyone. Pam Barret asks how much the township will pay the party director. Jacob Pride replies the Board has not discussed that yet. Richard Norris states he has lived in the township his whole life and has never seen the township run like this. Joann Norris asks what the job description is. Jacob Pride replies the township has budgeted for this to handle reception, park rentals, and assist with zoning, but the Board still needs to discuss the job description and compensation; this motion permits staff to advertise the posting once it is prepared. Joann Norris states this is an unnecessary expense. Jacob Pride states the Board still needs to discuss the position. Brian Barrett states he does not remember this item from budget discussions and does not feel the need to advertise right now. Robert Lovenheim motions to approve the advertisement, Jacob Pride seconds. No public comment. Vote: Robert Lovenheim and Jacob Pride in favor; Brian Barrett opposed: motion carries.
- d. Discuss: State of EMS. Jeff Young is the executive director of Suburban EMS, and introduces coworkers Tim Werkheiser, Justin Thomas, and Brian Dunlap. Jeff Young

states he is reaching out to all communities serviced by Suburban, and overviews the state of EMS locally and state wide. Suburban provides nonemergency transport to offset the net loss of 911. The EMS system is broken; a lack of sustainable funding, escalating workforce turnover (30%), and substandard reimbursement from Medicare and Medicaid contribute to the problem. Rural communities are the worst affected. Suburban trains people to assist with finding personnel. Brian Barrett asks if they've considered VoTech schools. Tim Werkheiser replies yes, VoTech has emergency services in Northampton County, and he is working to get a certification class. Jeff Young discusses Suburban's background. One problem is that they cannot bill for many trips, like standbys and lift assists. 911 call volumes have increased dramatically for Monroe County, and Suburban pursues state grants to offset costs. In Pike County, the county commissioners levy a tax to match township spending on EMS, but Northampton County does not. Debbie Kulick states the Monroe County Commissioners will assist once the municipalities assist.

Jeff Young states he is going to ask for additional support for 2024. Robert Lovenheim states this is a sobering presentation and is frustrated that the commissioners are not moving to solve the problem. The Board, Jeff Young, and Debbie Kulick discuss the JLN survey and their concerns.

- e. Consider: Emergency Funding Request – Bushkill Emergency Corps. Debbie Kulick states call volume has decreased, but operation costs have risen. Volunteerism is declining and training paramedics takes over a year. Bushkill EMS is requesting immediate financial assistance and that the township consider long-term support through a fire/EMS tax. Robert Lovenheim confirms the total ask is \$135,000 and states that the township did not budget for this, no one can afford this, and the county commissioners are doing nothing. Jacob Pride confirms the \$135,000 is the ask from all three townships.

Lucas DeBartolo states the township's share is 31% of the ask, which equals \$9,300 this month and \$11,160 every month thereafter. Bushkill EMS is in danger of failure, so he suggests making a one-time contribution of \$9,300 to avoid loss of service. Pam Barrett states the township should cut back. Richard Norris states money should be taken from Marshalls Falls and given to EMS. Jacob Pride states grant funds can only be used for their approved project. Brian Barrett asks if Bushkill EMS can guarantee service. Debbie Kulick replies yes, if they receive funding. Brian Barrett motions to go along with Lucas's recommendation, Jacob Pride seconds. Lucas DeBartolo confirms this is for the one-time contribution of \$9,300, and adds that the \$135,000 ask will buoy the EMS service until March 2024.

Desiree Siena confirms that emergency services are free standing, community-based organizations. Debbie Kulick and Jeff Young discuss emergency service in the area. Lucas DeBartolo has reached out to all local EMS providers to better understand the scenario. Desiree Siena is surprised that the county does not contribute funds to EMS.

Debbie Kulick states Pocono Mountain Regional EMS is supported by the municipalities it services. Pam Barrett states big businesses like Shawnee Ski Area should support the ambulance. Vote: all in favor; motion carries.

- f. Consider: Resolution No. 528: Lot Joinder for 141 Roosevelt Drive. LVL Engineering issued a review letter June 13, 2023 with one comment, but Attorney McDonald's revised deed addresses the comment. Ron Karasek sees no legal issues with the lot joinder but wants confirmation from the Sewage Enforcement Officer and Zoning Officer that joining the properties will not cause any septic or zoning violations. Jacob Pride motions to conditionally approve the resolution pending approval from the SEO and ZO, Robert Lovenheim seconds. No public comment. Vote: all in favor; motion carries.
- g. Consider: 209 Ravens Nest Stormwater Waiver Requests. The applicant wishes to construct a house at 209 Ravens Nest Rd, but wetlands on the property prevent such development without waivers from the township. Missy Hutchison explains the waiver requests, and states that the driveway is in the inner buffer because there is no access to the property otherwise. Maureen Garrido states they reduced the size of disturbance.

Brian Barrett asks if the property was purchased before the Stormwater Act was adopted. Missy Hutchison replies the lot was created in 2005, the Stormwater Act was adopted in 2006, and the property was purchased by the current owner in 2019. Ron Karasek states waivers are granted when the Board believes that there is a hardship that is not created by the applicant, the Floodplain Administrator should comment, and that construction in an inner buffer may set a precedent.

Brian Barrett believes the project can be completed without impeding on the inner buffer. Missy Hutchison states the inner wetland buffer takes up the entire frontage of the property; the driveway cannot be located out of the inner buffer. Maureen Garrido states modifications to the plan were made to reduce the house's footprint, and tried without success to purchase the adjoining lot to mitigate this problem.

Robert Lovenheim motions to grant a waiver on the conditions. Brian Barrett confirms that the changes asking for will be presented specifically. Missy Hutchison states the township requires a revised survey plan showing the reduced house instead of the current overlay. Ron Karasek states the Board could wait until the new survey comes in and then put it on the agenda. Robert Lovenheim and Brian Barrett discuss the site property. Robert Lovenheim re-motions to grant the inner buffer waiver based upon fact-specific items and other items discussed, to be prepared by Ron Karasek, Jacob Pride seconds. Vote: Jacob Pride and Robert Lovenheim in favor; Brian Barrett opposed.

Missy Hutchison has no comments on waiver request #1. Robert Lovenheim motions to approve the waiver, Jacob Pride seconds. No public comment. Vote: Jacob Pride and Robert Lovenheim in favor; Brian Barrett opposed: motion carries.

Robert Lovenheim motions to approve the waiver for the outer buffer, Jacob Pride seconds. No public comment. Vote: Jacob Pride and Robert Lovenheim in favor; Brian Barrett opposed: motion carries.

- h. Consider: Resolution No. 529: Fee Schedule Update. This fee schedule updates the SALDO fees and simplifies the original fee structure. Ron Karasek recommends adding the following to the end of section two “and in default thereof, a stop work order will be issued on that project.” Robert Lovenheim motions to approve Resolution No. 529 with Mr. Karasek’s change, Jacob Pride seconds. No public comment. Vote: all in favor; motion carries.
- i. Consider: First Energy Pole Yard Expansion. Scott Miller represents the applicant for a project at Parcel 16.8.2.21-4, which adds a retaining wall and reduces overall impervious surface by 360 ft<sup>2</sup>. The applicant requests two waivers for the project. The Planning Commission (PC) recommended approval of the waivers. Missy Hutchison states LVL Engineering has no objection to the waivers. Scott Miller and Missy Hutchison discuss a stabilized swale. Ron Karasek states the PC recommended a waiver of the land development with the following conditions: a professional services agreement is entered into, fees are posted, and the township engineers approve the stormwater plans. Robert Lovenheim motions to approve the waivers based on the Planning Commissions recommendations, Brian Barrett seconds. No public comment. Vote: all in favor; motion carries. Ron Karasek confirms that he will send Scott Miller a conditional waiver approval letter.
- j. Discuss: Community Contributions. Jacob Pride asks to maintain last years’ contributions, with an addition to continue donating to the Lehigh Valley Center for Independent Living (LVCIL) and provide AWSOM’s donation to PAWS due to ongoing labor issues and a closed clinic. Robert Lovenheim states LVCIL supports disabled citizens and does outreach; they were involved in the design of the fishing pier. The Board discusses Pocono Heritage Land Trust (PHLT).

Robert Lovenheim motions to approve last year’s contributions with the provision for PAWS and LVCIL, Brian Barrett seconds. No public comment. Vote: all in favor; motion carries. Brian Barrett motions to contribute \$250 to PHLT, Jacob Pride seconds. No public comment. Vote: Jacob Pride and Brian Barrett in favor, Robert Lovenheim opposed: motion carries.

- k. Discuss: MS-4 Requirements and Updates. Missy Hutchison discusses the MS-4 Program. The Township is in year 5, which ends June 30. She discusses the six minimum control measures: education outreach, public participation and involvement, illicit discharge detection and elimination, construction site stormwater runoff controls, post-construction runoff control, and pollution prevention and good housekeeping for municipal facilities. There are no questions or comments on the presentation. Robert Lovenheim states MS-4 requirements are an unfunded mandate and the township is doing well with stormwater.
  - l. Discuss: Act 167 Stormwater Update. LVL Engineering is still preparing a new version of the ordinance. Brian Barrett motions to table the Act 167 Stormwater Update until the next meeting, Jacob Pride seconds. No public comment. Vote: Brian Barrett and Jacob Pride in favor, Robert Lovenheim abstains: item tabled.
  - m. Discuss: Regional Planning Commission Concept. Brian Barrett motions to table this item, Jacob Pride seconds. No public comment. Vote: Jacob Pride and Brian Barrett in favor, Robert Lovenheim abstains: item tabled.
7. Board of Supervisors Report
    - a. Brian Barrett asks what time it is in Spain. Robert Lovenheim replies quarter to 2.
  8. Bills: \$278,793.95 (General Fund: \$276,793.95, Liquid Fuels Fund: \$0, Escrow Fund: \$2,000.00). Brian Barrett motions to pay the bills, Robert Lovenheim seconds. No public comment. Vote: all in favor; motion carries.
  9. Public Comment
    - a. The Board discusses Mr. Lovenheim's stay in Spain.
    - b. Robert Lovenheim states he is concerned about the intersection of SR 447 and E. Brown Street. It is already a bad intersection, and if the Sheetz sketch plan (Parcel 16.8.2.21-4) before the PC materializes, it will get worse. He will contact District 5. Brian Barrett suggests contacting other elected officials. Pam Barrett states the township will have two gas stations within a mile; the township should have influence over the development. Jacob Pride replies PennDOT has sole jurisdiction over HOPs and traffic signals. Missy Hutchison states the applicant submitted for a PennDOT scoping meeting, so the township can attend; the PC also expressed concern over the intersection.
    - c. Pam Barrett received a message from a friend that Ken Wolfe lost a permit application, there is a dangerous fence on Mosier's Knob Rd, and signs on Parcel 16.8.1.62 should be removed. She called the Waste Authority for garbage removal on the property. Pam

Barrett states the township should cut back expenses, asks about the ARPA funds, and wants financial information.


- d. Joann Norris asks who the SEO is for the township. Julia Heilakka replies Scott Brown of Hanover Engineering. Joann Norris states the bills are high, and asks about Marshalls Falls. Jacob Pride states because of PennDOT requirements, the park could not open unless the township purchased 274 Marshalls Creek Rd. Pam Barrett states the upgrades in parks are impractical.
- e. Richard Norris states he has lived in the township for sixty-six years and there is a lot of development. Joann Noriss questions the Sheetz sketch plan. Robert Lovenheim states the sketch plan came before the PC and not the Board, so the Board should not comment.

10. Robert Lovenheim motions to adjourn, Brian Barrett seconds; meeting adjourned at 8:07PM.

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Minutes recorded by Julia Heilakka

Respectfully submitted:

  
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Julia Heilakka, Assistant Secretary