

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

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

Also present are Martha Carbone, Tim Snow, and Debbie Kulick.

1. Chair Jacob Pride calls the meeting to order at 6:02PM. A quorum is present.
2. The Pledge of Allegiance is recited.
3. Announcements
 - a. Kings Pond Rd is now open, and the Hollow Road Bridge should be open by the end of the day on July 28th.
 - b. Minisink Park will be partially closed during the week of July 31st for removing dead ash trees. The partial closure will not affect sports team practices.
4. Minutes
 - a. Robert Lovenheim and Brian Barrett motion to approve the minutes from the July 12, 2023 regular meeting, Jacob Pride seconds. Vote: all in favor; minutes accepted.
5. Reports
 - a. Solicitor's Report – Ron Karasek sent a written report to the Board earlier today. Work on the Airstrip Rd condemnation continues, Delaware Water Gap Capital Partners has not yet filed a petition with the PA Supreme Court, and preliminary objections were filed for the Shawnee Preservation Society case. The Franklin Hill Minor Subdivision and Fish Minor Subdivision are the only active plans.
 - b. Engineer's Report – Jon Tresslar began the Green Mountain Drive Bridge project. Confusion related to the bridge number is resolved, and the township will need to establish right-of-ways for the wing walls of the bridge. He was unable to find information on T-539 (Green Mountain Drive), and will move forward with a survey.
6. New Business
 - a. Consider: Consent Agenda.
 - i. Consider: Approve Laudone & Associates Engagement Letter.
 - ii. Consider: Authorize Berkheimer Grant Fund Usage for Waterfront Park.

Brian Barrett states the Berkheimer grant was for a dinosaur park at Minisink Park and asks the money fund something at that park. Jacob Pride states Berkheimer has allowed the township to shift the funds. Robert Lovenheim motions to approve the consent agenda, Jacob Pride seconds. No public comment. Vote: Jacob Pride and Robert Lovenheim in favor; Brian Barrett opposed; motion carries.

- b. Consider: Brodhead Watershed Association (BWA) Request: Stream Gauge at Marshalls Falls. BWA provided a hold harmless agreement for the equipment they wish to install at Marshalls Falls. Robert Lovenheim motions to approve the stream gauge request, Jacob Pride seconds. No public comment. Vote: all in favor; motion carries.
- c. Consider: Support Letter for DCED MTF Grant. Jacob Pride states he must recuse himself. Julia Heilakka states Westfield North LLC (“Westfield”) is applying for a DCED MTF grant to realign the southern entrance of Franklin Hill Rd on SR 447 to the traffic light at East Stroudsburg Elementary School. The PennDOT MTF required the township to be the applicant, but the DCED MTF allows businesses to apply. The application requires proof that the municipality was notified, and Westfield is asking for a letter of support. Robert Lovenheim confirms this carries no liability to the township. Julia Heilakka confirms that the township is not the applicant, and would not be liable for any costs. Robert Lovenheim motions to approve the letter. Brian Barrett asks about the previous grant. Julia Heilakka states the PennDOT MTF application was denied. Brian Barrett refuses to second the motion, motion dies. Julia Heilakka confirms she will provide a letter to Westfield stating the township acknowledges the project.

Robert Lovenheim asks Brian Barrett why he wants to deny the letter. Brian Barrett states that is the way he feels. Robert Lovenheim asks Jacob Pride why he is recusing himself. Jacob Pride replies this letter of support is for a grant application that may appear before his boss or the House of Representatives. Brian Barrett states he didn’t know about the application and would like to see it. Ron Karasek reads the rule of necessity in the Ethics Act, and states Jacob Pride may be able to vote. Julia Heilakka states that without a second to the motion, the rule of necessity may not apply. The township will submit a letter to the applicant stating that the township acknowledges the project.

Ron Karasek states he believes that Jacob Pride may be able to second the motion. Jacob Pride states the township was the applicant for the PennDOT MTF and the current intersection of Franklin Hill Rd and SR 447 is unsafe. Jacob Pride does not feel he can second the motion. Robert Lovenheim states he is perplexed why this is difficult for either supervisor because there is no liability to the township and the Board previously applied for the grant as an applicant. Brian Barrett states there was an implication that the township was liable for funds. Robert Lovenheim states that is not the case now and he is disappointed in both supervisors. Jacob Pride states his boss and the other representatives have direct input on almost any application; he cannot in good conscious vote on this.

Tim Snow applauds Jacob Pride's decision to recuse himself. Jacob Pride states the current Franklin Hill intersection with SR 447 is unsafe and it should be realigned, but he cannot vote on this item. The Board and Ron Karasek discuss the rule of necessity. Brian Barrett would like to review the application. Julia Heilakka states the township can submit an acknowledgement letter so the applicant can apply. Jacob Pride states he has no problem invoking the rule of necessity, but he doesn't feel he can second a motion.

7. Board Of Supervisors Report – none.
8. Bills: \$69,070.38 (General Fund: \$69,070.38, Liquid Fuels Fund: \$0, Escrow Fund: \$2,000.00). This includes general bills of the township. Brian Barrett motions to approve the bills, Jacob Pride seconds. No public comment. Vote: Jacob Pride and Brian Barrett in favor; Robert Lovenheim abstains: motion carries. Brian Barrett asks if Robert Lovenheim can abstain. Jacob Pride states Brian Barrett abstains all the time and neither of them should. Brian Barret agrees.
9. Public Comment
 - a. Robert Lovenheim states the Berkheimer grant was originally for a dinosaur park at Minisink. The project required special flooring that brought the total cost to \$50,000 - \$54,000. The Board did not want to reduce parking areas because of field usage, and the township couldn't place the flooring in a floodway. Originally, it was a great idea. Brian Barrett thanks Robert Lovenheim and will pass along the comment.
 - b. Tim Snow asks about truck traffic at Water Gap Wellness. Julia Heilakka replies the zoning officer is aware and cannot comment on an open inquiry. Tim Snow thanks the township for repairing Cherry Valley Rd. Julia Heilakka replies that is a PennDOT road but is glad the issue is resolved. Tim Snow asks about leaf pick up for Delaware Water Gap Borough this year. Jacob Pride replies that the contract may be renewed in the fall.
 - c. Debbie Kulick thanks the township for their continued support.
 - d. Tim Snow states meetings at Delaware Water Gap Borough are dramatic.
10. Brian Barrett motions to adjourn, Jacob Pride seconds; meeting adjourned at 6:37PM.

Minutes recorded by Julia Heilakka

Respectfully submitted:



Julia Heilakka, Assistant Secretary