

THE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS
REGULAR BUSINESS MEETING
SEPTEMBER 27, 2023

A Regular Business Meeting of the Smithfield Township Board of Supervisors was held on September 27, 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, DPW Director Chris Clause, and Township Manager Julia Heilakka.

Also present are Lynn Schwarz, Alan Schwarz, Bob Kidwell, Phil Demeglio, Pam Barrett, Michael Albert, Tammy Booth, Jim Booth, Joab Vaughn, and Curtis Sebring.

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. Budget meetings are October 11th and November 1st. October 4th and November 15th no longer work with the supervisors' schedules, and the Board will consider new dates
 - b. Leaf Pickup begins October 23rd and ends November 24th.
4. Minutes
 - a. Robert Lovenheim motions to approve the September 13, 2023 minutes, Brian Barrett seconds. No public comment. Vote: all in favor; motion carries.
 - b. Jacob Pride motions to approve the July 17, 2023 joint meeting minutes, Brian Barrett seconds. No public comment. Vote: all in favor; motion carries.
5. Reports
 - a. Solicitor's Report – Ron Karasek states the township has received a conditional use application for Healthy Minds: the hearing will occur on November 8, 2023 at 6PM. It will be reviewed by the Planning Commission on October 12, 2023. He is working on the land development improvement agreements for the SVPRD project, and on the Airstrip Rd condemnation and other related documents.
 - b. Engineer's Report – Jon Tresslar states he had a meeting with PennDOT on Tuesday regarding Green Mountain Drive bridge. The wingwalls are outside of the right-of-way. LVL is preparing plans to talk to property owners and acquire additional land.
6. New Business

- a. Consider: Consent Agenda.
 - i. Consider: Approve PPL Temporary Workspace Agreement.
 - ii. Consider: Resolution No.531 – PennDOT Winter Maintenance Agreement.
 - iii. Consider: Approve Email Migration to Microsoft.
 - iv. Consider: Change Order No. 1 – Kobalt Construction.

Julia Heilakka states the change order is because the earth was unsuitable for a longer boardwalk at Marshalls Falls, so its length was decreased. The change order reduces the cost of the project by about \$83,000. Robert Lovenheim motions to approve the consent agenda, Brian Barrett seconds. No public comment. Vote: all in favor; motion carries.

- b. Consider: Quotes for Tree Removal on Green Briar Rd. Chris Clause states there are trees on Green Briar Rd in the right-of-way that need to be removed to create a shoulder. Another tree near the Stroud Township line is dangerous and needs to be removed. Green Briar will be paved in the spring. He received two costs for the project: Widmer’s Tree Service - \$2,000, and Dunkelberger’s Tree Service - \$2,100. There are additional stumps he uncovered today that will be an additional cost. Robert Lovenheim motions to approve the low bid, Jacob Pride seconds. No public comment. Vote: all in favor; motion carries.
- c. Consider: EM Kutz Outfit Proposal for Two Trucks. Chris Clause would like to upfit the two F600s that were ordered with toolboxes and 11-foot plows. This upfit will cost the township an additional \$10,000. Brian Barrett suggests upfitting only one truck. Chris Clause replies without the upfit, the truck will need to plow all roads an extra time, which is more wear and tear on the vehicles and time spent clearing roads. Robert Lovenheim states this sounds like a good investment, and motions to approve the upfit cost for two trucks at \$10,480.60. Brian Barrett states the township should do one this season and one next, and wants to make a motion. Julia Heilakka states that waiting will require the Board to pay for a full plow and wiring harness this year and next year, instead of just the difference in the upgrade. Jacob Pride seconds Robert Lovenheim’s motion. No public comment. Vote: all in favor; motion carries.
- d. Consider Rental/Purchase of Mid-Mount Boom Mower for October. Chris Clause states the township has a six-foot sickle bar mower with a boom mower on the back. He has been waiting on parts for nine months, and it will be another three before they arrive. Residents have expressed concerns for roads but he does not have the tools. He would like to rent a boom mower for a week. It is \$3,200 for the week or \$7,800 for the month. Brian Barrett motions to rent the mower for one week, Robert Lovenheim seconds. No public comment. Vote: all in favor; motion carries.
- e. Consider: Resolution No. 532 – Designating Signers for DCED LSA Grant. This grant is for the Marshalls Creek Fire Company application to DCED for \$262,717 (\$252,217 grant and \$12,500 fire company match) for cancer risk reduction and security upgrades. Robert Lovenheim motions to approve the resolution, Jacob Pride seconds. No public

comment. Vote: Robert Lovenheim and Brian Barrett in favor; Jacob Pride abstains; motion carries.

- f. Discuss: Noise/Nuisance Ordinance. The Township has received complaints on noise and is considering implementing a noise/nuisance ordinance. Robert Lovenheim discusses the drafts and states that Attorney Karasek discussed the need for a decibel levels regarding outdoor amplified music. Lynn Schwarz believes 75 decibels at the property line is too loud. Robert Lovenheim discusses limits on excess motor noise outside of two hours, and that this ordinance would be placed in Chapter 10 of the Township code to avoid zoning enforcement procedures and speed up response times and penalties. He also discusses construction times, car alarms, how residents could report a concern, and the need for an easy way to cite violators.

Julia Heilakka explains Zoning Officer Ken Wolfe's process for citing violations related to the illegal motocross facility operating on Parcel 16.6.1.33. Robert Lovenheim states the process is cumbersome and putting this ordinance in Chapter 10 would allow the Township to issue fines. Attorney Bob Kidwell, representative for Mountain Vista Campground and a Township resident, thanks the township for moving forward. He discusses how other townships in Monroe County handle noise in their code, and states the Township's efforts are a good start.

Robert Lovenheim would like to keep the decibel levels and hours simple so it is easy to remember. Bob Kidwell cautions people will try to take advantage of loose language. Tammy Booth questions if the two-hour model would be effective against the motocross facility, and plays a video from the front porch of her home. Joab Vaughn states there is a difference between residents running a dirt bike on their property and running a business. Brian Barrett states the Township ran into this problem before and the state police were called; there is a lot of nuance for this ordinance. Pam Barrett states there used to be problems near Frank Riccobono's house. Brian Barrett recalls concerns when a nightclub opened on Sawmill Rd. Jon Tresslar states he was involved because of roadway concerns, but was not involved with noise levels. Brian Barrett states the Township can't just write this ordinance, and would like other people to get involved and write a draft.

Pam Barrett asks what the property is zoned. Robert Lovenheim replies R-1; it is illegal to operate a business in an R-1 and the owners have been cited. Tammy Booth asks if the motocross facility would be exempt from the noise ordinance. Jacob Pride replies no, they do not have approval to operate. Pam Barrett states the township should stop them now. Jacob Pride states the township is taking enforcement action. Tammy Booth states the motocross has expanded. Robert Lovenheim wants to fast track the nuisance ordinance. Michael Albert asks what happens if the property owner does not comply or appeal. Ron Karasek states if they don't appeal the decision or enforcement, it is presumed that they are in violation, and the township can begin proceedings. Michael Albert confirms private citizens may also pursue an injunction. Ron Karasek replies yes, but demonstrating a public nuisance is difficult. Jim Booth states it is a good idea to have

the enforcement with the supervisors: the Zoning Officer is not present at the meetings, and it takes time to get an answer from him. Robert Lovenheim states the Zoning Officer can come to meetings if required. Jacob Pride states the Zoning Officer is not required at every meeting and is an independent official.

Robert Lovenheim states the nuisance ordinance also included barking dogs, but that already exists in the Township Code. Pam Barrett asks who will bring the Zoning Officer out on nights and weekends; the motocross facility should be shut down. Jacob Pride replies the township is already pursuing zoning enforcement. Pam Barrett asks how noise will be verified. Robert Lovenheim replies it needs to be researched, but is considering complaints and decibel levels. Tammy Booth states weekends are hell and asks how to report problems on weekends. The Board discusses enforcement options. Phil Demeglio states the noise is so loud it makes him nauseous. Robert Lovenheim states he wishes the Township could shut them down immediately, but the zoning enforcement process doesn't permit that. In the meantime, this proposed ordinance could provide additional enforcement action. The township needs to act.

Alan Schwarz believes the issue of noise is a cultural problem and suggests an educational program to encourage residents to be considerate of one another. Brian Barrett suggests sending Ken to the motocross track this weekend to get the owner to work with the Township. Robert Lovenheim states Ken has already been to the property and listened to the noise. He spoke to the property owner and told two principals who were there to stop immediately. They did nothing, so Ken cited them. Brian Barrett states Ken should go to the property. Robert Lovenheim replies Ken has already spoken to the operators, and they did not comply. Tammy Booth states the track is on her property line, and that the property owner lied to her and their neighbors and will fight the township the whole way. Joab Vaughn states the motocross facility post images on social media giving people the middle finger and calling them "Karens."

Brian Barrett states he would like to personally meet with the motocross people and lay down the law since they did not listen to Robert Lovenheim. Ron Karasek states this ordinance needs to be very tight. It must have a decibel level, an approved noise meter, witnesses, and where the levels will be taken. Upper Mount Bethel's ordinance is 16 pages long and has been enforced once. Ron Karasek states since the Township has filed an enforcement notice, township officials should not talk to the property owner to avoid suborn perjury. Pam Barrett states the Township should hit them with the zoning ordinance. Ron Karasek replies that is what the Zoning Officer is doing now. Tammy Booth states noise on her property has reached 80 decibels (dB). Ron Karasek states the township will need a decibel reader and a noise expert. Jacob Pride states the Township needs to create an ordinance before it can enforce dB limits. Tammy Booth states the EPA has a guideline for decibel levels. Brian Barrett states the EPA was present at the property and the Township did not receive a report. Robert Lovenheim states the Monroe County Conservation District also visited the site.

Michael Albert asks when the 30-day compliance period is over, and what happens after that. Julia Heilakka believes the enforcement letter was dated September 15th, but is unsure. Michael Albert asks the Board to decide how to proceed so action after the compliance period can be immediate. He states fireworks should also be considered and asks if the noise draft will go before the Planning Commission. The Planning Commission will receive a draft before their meeting.

Brian Barrett states he would like to meet with everyone. Robert Lovenheim wants this ordinance to move quickly because people need relief. Ron Karasek states the Board should not approve of Brian Barrett's actions: Brian Barrett should not reach out to the owner because proceedings have been filed. Brian Barrett states that is bullshit. Ron Karasek reiterates he recommends against meeting with the owner. Brian Barrett states the Township should act quickly. Curtis Sebring asks if the township can act on the zoning enforcement now. Jacob Pride replies that is what the township is doing right now. Robert Lovenheim states zoning enforcement action takes a long time. Curtis Sebring states there is relief in sight and asks if the Township has received other noise complaints. Robert Lovenheim replies yes, there are issues with music, and having this ordinance will permit immediate corrective action.

Ron Karasek states if the motocross facility appeals to the Zoning Hearing Board (ZHB), that would be heard relatively quickly. Assuming the ZHB says he is in violation, he could then appeal the decision to county court. If that happens, the county court could file an injunction, and the Township may need to bring in witnesses to demonstrate that the nuisance exists.

Pam Barrett states the Township should enforce the zoning ordinance because the noise ordinance will take months. Jacob Pride states the Township is already enforcing the zoning ordinance. Ron Karasek suggests addressing only music and motocross now to expedite the process. Jacob Pride states the Township is pursuing shutting down the motocross facility under the zoning ordinance, and separately, the Township is pursuing this noise ordinance to deal with nuisances. Curtis Sebring wants the company shut down completely and does not want a compromise.

Curtis Sebring states the top of Airport Rd is in bad condition, and asks if it will be repaved. Bob Kidwell states Vigon is connecting, and asks if Airport Rd will be opened for water and gas lines. Julia Heilakka states the road will be cut for connections, but the construction company is responsible for fixing and filling the patch. Cutrtis Sebring states there is a pipe on King's Pond Road that is beginning to deteriorate

- g. Discuss: Resolution for Community Investment. Robert Lovenheim states he would like to make a resolution to show preference to Township businesses or residents if there are two quotes that are exactly equal; the Board agrees. Ron Karasek states this can only apply to items under the bid threshold.

- h. Discuss: Vivian Oliver Offer for Refreshments at Waterfront Park. Vivian Oliver discusses her desire to start a food truck business and help keep the community healthy and safe. She sees a need at Waterfront Park during sports practices where children and parents are hungry. She would like to sell pre-packaged foods. Robert Lovenheim states there is a concession stand at Minisink, but nothing at Waterfront. Jacob Pride would like to connect Vivian Oliver with FC Pocono first, because getting approval from the township would be a complicated process. Pam Barrett states parents are supposed to bring food and drinks for the whole team. Vivian Oliver replies it is not happening.
 - i. Discuss: Swimming at Marshalls Falls Park. Insurance will not cover the Township for swimming accidents, so the township cannot permit swimming at Marshalls Falls.
7. Board of Supervisors' Report: none.
8. Bills: \$215,717.90 (General Fund: \$215,717.90 - Liquid Fuels Fund: \$0 - Escrow Fund: \$0). Jacob Pride states \$91,000 of the bill pack is reimbursable and the remainder is utilities, regular operations, and insurance. Robert Lovenheim motions to pay the bills, Brian Barrett seconds. No public comment. Vote: all in favor; motion carries.
9. Public Comment – none.
10. Robert Lovenheim motions to adjourn, Jacob Pride seconds; meeting adjourned at 7:32PM.

Minutes recorded by Julia Heilakka

Respectfully submitted:



Julia Heilakka, Assistant Secretary