

THE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS
REGULAR BUSINESS MEETING
OCTOBER 25, 2023

A Regular Business Meeting of the Smithfield Township Board of Supervisors was held on October 25, 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 Kristine Karol, Pam Barrett, Joab Vaughn, Tammy Booth, Cathy Schoenherr, Martha Carbone, Lynn Schwarz, Richard Norris, Joann Norris, and Eric White.

1. Chair Jacob Pride calls the meeting to order at 6:01PM. A quorum is present.
2. The Pledge of Allegiance is recited.
3. Announcements
 - a. Budget meetings are on November 1st and 8th at 10AM.
 - b. Leaf Pickup is October 23rd through November 24th.
4. Minutes
 - a. Robert Lovenheim motions to approve the minutes from the September 27th, October 11th, and October 18th meetings, Brian Barrett seconds. Kristine Karol states the minutes from the September 27th meeting were approved last meeting and never posted on the website. Julia Heilakka states the September 27th minutes were tabled at the last meeting. Vote: all in favor; minutes accepted.
5. Reports
 - a. Solicitor's Report – Ron Karasek states the Healthy Minds Conditional Use application has been advertised and is set for a public hearing on Wednesday, November 8th at 6PM. He has reviewed and responded to pleadings related to the SVPRD/Shawnee Preservation Society lawsuit and continues to work on the development agreement for SVPRD and Airstrip Rd. The stormwater ordinance was passed and the noise ordinance is up for discussion this evening. Brian Barrett asks if Ron Karasek requested an extension for the Healthy Minds Hearing. Ron Karasek replies yes, and the extension is until November 22nd. The applicant wants to proceed on November 8th.
 - b. Engineer's Report – Jon Tresslar states most projects are completed, and he is working on the River's Edge Bike Park and estimates for next year's budget.
6. New Business

- a. Consider: Consent Agenda.
 - i. Consider: Ratify Purchase of Replacement Equipment for SR 2012 x SR 0209 Light.
 - ii. Consider: Ratify Yearly Generator Maintenance Contract.
 - iii. Consider: Request Informal Review from MCPC: Signage Draft Ordinance.

Robert Lovenheim motions to approve the consent agenda, Jacob Pride seconds. No public comment. Vote: all in favor; motion carries.

- b. Consider: Resolution No. 535 – Health, Safety, and Welfare. Robert Lovenheim states he would like to restate the Township’s responsibilities per the Second Class Township Code. He wants all residents to know that it doesn’t matter where a resident is located; the Township is responsible for the health, safety, and welfare of the residents. Ron Karasek states the resolution does not say the Township will take over any roads, it simply states that residents will be protected whether or not they are on private/public roads or part of a community or not. Robert Lovenheim motions to approve Resolution No. 535, Brian Barrett seconds and asks who wrote it. Robert Lovenheim replies he wrote the draft and Julia Heilakka edited it and placed it in resolution format. Brian Barrett suggests Robert Lovenheim recuse himself. Jacob Pride states that is not necessary. Pam Barrett states Robert Lovenheim should not make faces. Robert Lovenheim asks why he should recuse himself. Vote: All in favor; motion carries.
- c. Consider: Radar Sign Quote Co-op Purchase. Robert Lovenheim states that radar signs are being discounted if purchased in bulk. Julia Heilakka confirms the Township has heard from Middle Smithfield, but is awaiting official notification from Hamilton for three. Robert Lovenheim states he received confirmation from Hamilton. Robert Lovenheim motions to approve, Jacob Pride seconds. No public comment. Vote: Jacob Pride and Robert Lovenheim in favor, Brian Barrett opposed: motion carries.
- d. Discuss: Noise/Nuisance Ordinance Update. Julia Heilakka states the newest version of the draft ordinance is available on the website and is the combination of two ordinances based on discussions from the Planning Commission (PC) and direct input from David Strunk. She received comments from the Zoning Officer and will incorporate those and any other changes discussed this evening into the draft ordinance. The ordinance will be discussed next at the PC meeting on November 9th at 7PM. Robert Lovenheim reviewed the draft ordinance with David Strunk, and it is complicated but a good improvement. He suggests using a phone application such as Niosh SLM to test noise levels first, and using an expert if the reading is contested.

Brian Barrett asks if this would prevent snowplowing after 6PM by the Township or private agencies. Julia Heilakka replies emergency work and the operations of snow removal equipment is permitted. Jacob Pride states the intent of the ordinance is not to reduce people’s ability to clear snow. Tammy Booth states she thought it needed to be an

authorized meter based on prior discussions. Robert Lovenheim replies the PC discussed the Township using a portable reader for the initial assessment. If someone objects to the noise level, then the Township could get an expert, which could act as a cost-savings measure. Jacob Pride states there are tables in the ordinance that explain acceptable decibel levels. Tammy Booth states she borrowed a meter and it was reading 91 dB from the bike park/motocross facility on Parcel 16.6.1.33.

Pam Barrett asks how this affects snow making equipment and concerts at Shawnee Inn every Tuesday; she can hear them at her house. Richard Norris states some people will be subject to the ordinance and some won't. Jacob Pride states the intention of the ordinance is a balanced approach, which is why the draft ordinance is being discussed and receiving feedback. Kristine Karol states an upper limit of 50 dB is too low; a phone app was reading Robert Lovenheim's speech at 50 dB. Jacob Pride states the sound would be measured from a property line, so being this close to a noise would be unlikely. Richard Norris states he could hardly hear. Kristine Karol states a disturbance may be over by the time someone arrives to test this sound. Tammy Booth discusses taking a screenshot of the reading. Kristine Karol asks how to prove a specific noise caused the reading. Marth Carbone suggests taking a video of someone taking the reading. Joab Vaughn believes the ordinance is designed to handle recurring events, and expresses concern regarding fines; if fines are too low, they may become a cost of doing business. Robert Lovenheim states the Township is not trying to be sound police.

Pam Barrett asks how the Township justifies going after one business and not all businesses. Robert Lovenheim states the Township would respond to complaints. Pam Barrett states that if snow making equipment and concerts can make noise but the bike park can't, that will not legally stand up. Robert Lovenheim replies that motorcycles running every day is constantly disturbing everyone that lives around the track, and discusses permitting regular concerts to ensure they conform with the ordinances. Pam Barrett states all business must be treated equally. Jacob Pride states there are different standards for different uses and the Board will need to consider regular business operations. Cathy Schoenherr asks if zoning comes into play regarding the bike park on Parcel 16.6.1.33. Robert Lovenheim states the bike park is in violation of running a business in an R-1 zone. Jacob Pride states the Township is pursuing action against the motocross, and he wants the ordinance to be broadly applicable. Robert Lovenheim states zoning enforcement requires a citation, and then a thirty-day waiting period while the cited individual can appeal to the Zoning Hearing Board (ZHB) or come into compliance. If the owner appeals, the case must go through the ZHB. During this entire time, the cited individual is allowed to operate. By taking the noise ordinance out of zoning, the township will be able to immediately act.

Richard Norris states the Township should fine the business every day, because every day they operate they are breaking the law. Jacob Pride replies the Township cannot levy a fine during the appeal period. Joann Norris asks why the Township didn't put orange tape

across the business's driveway and tell people it's not a commercial business. Jacob Pride replies the Township does not have that authority. Robert Lovenheim told the bike park operator that he was violating Township zoning laws and that the business was not allowed in the R-1 zone. Richard Norris suggests fining the people who visit the bike park and taking pictures of their license plates. Jacob Pride states the Township does not have that authority. Pam Barrett asks if the bike park can appeal tickets. Jacob Pride replies the Township does not have a police force. Pam Barrett asks if someone can appeal a ticket related to the sound ordinance. Jacob Pride states the sound ordinance removes the 30-day appeal. Pam Barrett asks if people will call the supervisors when there's a problem. Jacob Pride replies anyone designated as a noise control officer can respond. Pam Barrett asks if the person will be available 24 hours a day. Robert Lovenheim states the Township has limited resources, but wants to be available. Kristine Karol states the residents need a way to contact the township after hours. Jacob Pride replies that operational practices are not in the ordinance because they change, and the Board is considering how to handle the situation.

Richard Norris asks how many times the Township has had problems with noise. Jacob Pride replies the Township has been dealing with concerns for the past three or four years. Tammy Booth states the state police cannot help because there is no Township ordinance to enforce. Pam Barrett states the Township should state who to call. Joab Vaughn confirms the noise will apply to all zoning districts. Lynn Schwarz asks about the plainly audible definition. Julia Heilakka states that may be extraneous now. Jacob Pride states plainly audible is easy to understand but extremely difficult to enforce. This ordinance will be discussed next at the Planning Commission meeting on November 9th.

Tammy Booth asks about the process for passing the ordinance. Jacob Pride explains the process for zoning adoption. Ron Karasek confirms that if the ordinance is not in zoning, it does not need to be reviewed by the planning commissions, and only needs to be advertised once. Richard Norris asks if the Township or the complainants press charges. Jacob Pride replies both options are viable.

- e. Consider: Bucket Truck Repair Quote. Julia Heilakka states the township received the quote to repair the bucket truck. The company originally estimated \$20,000 - \$40,000, but the repair was quoted at \$9,100. This is not in the budget but is recommended because repairing this truck removes a new one from the 2024 budget. Jacob Pride asks if this will be necessary for additional in-house paving. Jacob Pride motions to approve the repair quote, Robert Lovenheim seconds. Joann Norris asks what company was used. Jacob Pride replies Versalift of Bethlehem. Vote: Jacob Pride and Robert Lovenheim in favor, Brian Barrett opposed: motion carries.

7. Board of Supervisors' Report – none.

8. Bills: \$116,460.27 (General Fund: \$116,460.27, Liquid Fuels Fund: \$0, Escrow Fund: \$0). This bill pack includes payroll, healthcare, engineering, and general expenses. Robert

Lovenheim motions to pay the bills, Jacob Pride seconds. No public comment Vote: all in favor; motion carries.

9. Public Comment

- a. Kristine Karol states she is new to this process and apologies for not participating before now. She asks why treatment centers are allowed in an R-1 zone, and how can that be changed? Jacob Pride replies the ordinance was passed in June 2020, and it was the Board's understanding that the ordinance was for site-specific relief. The solicitor will draft an ordinance removing the treatments centers from R-1, which should be on the next Board meeting. Ron Karasek cautions that the Township may not be able to do anything for 36 months if this was a curative amendment, but he will research.
- b. Eric White purchased property on River Rd (Parcel 16.2.1.13) that is currently zoned R-1 and surrounded on both sides by the PRD. He wants to build a sustainable hempcrete hotel and would like to submit a variance to the ZHB. Ron Karasek confirms Mr. White will need to apply for a zoning variance through the ZHB. Eric White states inns are permitted in R-1 zones if the property is ten acres; he has eight.

10. Robert Lovenheim motions to adjourn, Jacob Pride seconds; meeting adjourned at 6:55PM.

Minutes recorded by Julia Heilakka

Respectfully submitted:



Julia Heilakka, Assistant Secretary