

THE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS
REGULAR BUSINESS MEETING
NOVEMBER 8, 2023

A Regular Business Meeting of the Smithfield Township Board of Supervisors was held on November 8, 2023, at the Smithfield Township Municipal Center at 1155 Red Fox Rd, East Stroudsburg, PA 18301, and via Zoom.

Present are Supervisors Jacob Pride and Robert Lovenheim, Solicitor Ronold Karasek, Engineer Jon Tresslar, and Township Manager Julia Heilakka. Supervisor Brian Barrett is not present.

Also present are Diana Scheid, Lily McHugh, Kristine Karol, Glen Wilka, Joann Norris, Joab Vaughn, and Cathy Schonherr.

1. Chair Jacob Pride calls the meeting to order at 6:03PM. A quorum is present.
2. The Pledge of Allegiance is recited.
3. Announcements
 - a. Leaf Pickup is now through November 24th.
 - b. Two Planning Commission seats are available next year. Parties interested in serving should send letters of interest to the Township by December 28th.
4. Minutes
 - a. Robert Lovenheim motions to approve the minutes from the October 25th budget and regular meetings, Jacob Pride seconds. No public comment. Vote: all in favor; minutes accepted.
5. Reports
 - a. Solicitor's Report – Ron Karasek has been working on the land development documents for SVPRD and the Healthy Minds hearing that is scheduled for December 13th. He also worked on an ordinance that removes rehabilitation facilities from the R-1 zone.
 - b. Engineer's Report – Jon Tresslar has been reviewing the final documents for SVPRD and Healthy Minds, and is actively working on the River's Edge Bike Park. The as-built is complete, and they will meet with the Monroe County Conservation District soon.
6. New Business
 - a. Consider: Consent Agenda.
 - i. Consider: Approve Rotary Club Tree Lighting Donation \$125.00.

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

- b. Discuss: Healthy Minds Treatment Center Conditional Use Hearing. This hearing cannot proceed because the property was not properly posted. Healthy Minds provided an extension to the Township, so the hearing will now occur on December 13th. The Township continues to operate an email update and webpage to keep citizens informed.

Dianna Scheid asks how the property is posted and if posting the property affects Water Gaps Wellness's ability to operate. Julia Heilakka replies the property must be posted seven days in advance of a hearing, the posting of a property does not affect an owner's ability to operate, and posting is normally completed via a sheet of bright, laminated paper on a wooden stake. Lily McHugh confirms the extension provided to the Township extends the 60 days the Township has to act.

Kristine Karol states the square footage and acreage is incorrect on the posting. Julia Heilakka states the acreage demonstrated matches the county GIS. Kristine Karol confirms she can discuss this in the hearing. Jon Tresslar states the county GIS and profession surveyor have conflicting numbers; he recommends trusting the surveyor. Ron Karasek states the posting is clear; the building is a 9,477 sq ft, two-story building.

- c. Consider: Send Draft Ordinance – Treatment Centers to MCPC and PC (Adopt 12/20). This draft will remove the rehabilitation facility use from the R-1 zone and make it a conditional use in the ED zone. Ron Karasek states the couldn't be site specific because when the ED zone was enacted, there was nothing to take it out of R-1. Julia Heilakka confirms there is a difference between day programs and overnight stay. Ron Karasek states the draft ordinance has a new definition.

Glen Wilka asks how the rehabilitation facility and other business are permitted in the R-1 zone. Jacob Pride replies the Board's intention was not to permit it in the zone. The Board is attempting to take the use out of the R-1 zone. Ron Karasek states the Board voted two years ago to permit the use in R-1. Jacob Pride states the Board thought the use was site-specific at that time; after research and a new solicitor opinion, they learned that was not the case. Robert Lovenheim states the Township must allow the use somewhere. The Township denied the conditional use for Water Gap Wellness because of safety concerns, but that is still in the courts. The Township is trying to permit it only in ED. Glen Wilka asks if the Township has any ordinances addressing light pollution in R-1 zones. Robert Lovenheim replies yes, and asks Glen to contact the Board with specifics if he has a concern.

The Board confirms the use should be conditional in the ED zone. Jacob Pride motions to send the draft to the planning commissions, Robert Lovenheim seconds. Kristine Karol


asks if the draft will be available tomorrow night. Jacob Pride replies yes. Vote: all in favor; motion carries.

- d. Discuss/Consider: Loader Purchase. There is a bidding war for the Township's business, which has potentially saved the Township \$23,000. One salesman has requested more time to procure a better offer. Robert Lovenheim motion to table this item, Jacob Pride seconds. No public comment. Vote: all in favor; motion carries.
 - e. Discuss/Consider: November 22nd Supervisors Meeting. The Board will cancel the November 22nd meeting because of its proximity to the holiday.
7. Board of Supervisors' Report – none.
8. Bills: \$83,694.96 (General Fund: \$83,694.96, Liquid Fuels Fund: \$0, Escrow Fund: \$0). This reflects regular spending for the Township. Robert Lovenheim motions to approve, Jacob Pride seconds. No public comment. Vote: all in favor; motion carries.
9. Public Comment
- a. Kristine Karol asks about documents for Healthy Minds, and if other documents can be posted. Ron Karasek reviews the documents that are part of the application and available on the website.
 - b. Kristine Karol asks if Healthy Minds agreed to the extension. Ron Karasek replies yes, and Pennsylvania is a very developer-friendly state. Kristine Karol asks if the hearing would have happened without the property being posted. Ron Karasek states the supervisors would have not had a hearing. Kristine Karol states Ken Wolfe should have done his job. Ron Karasek replies Ken has always posted properly, this is the first time he has made this mistake. Jacob Pride states the Township is not going to discuss personnel matters in a public forum. Kristine Karol states Ken Wolfe lied to her about the property being posted, and is concerned about his incompetence and lack of character. Jacob Pride states the process caught the problem, mistakes happen, and that Ms. Karol should direct concerns regarding staff to the Board in writing.
 - c. Glen Wilka still doesn't understand how the treatment center could exist in that area. Jacob Pride replies zoning creates allowable uses in certain areas; it was not the Board's intention to allow treatment centers to remain in the R-1 zone.
 - d. Joann Norris asks about the Township budget. Julia Heilakka states the proposed budget will be available on the Township website by the end of the day on November 22nd, will be advertised with the Pocono Record on November 29th and December 9th, and will be considered on December 20th. Jacob Pride states the proposed millage is anticipated to be 2.81, with .8 mills for fire and EMS. The previous Boards never had taxes commensurate with the Township's expenses.

- e. Joann Norris asks if the Township could spend less money on parks. Julia Heilakka states the cost of building Marshalls Falls was over \$1 million, but the actual cost to taxpayers is \$55,000 that was approved in 2017; all other funding is through grants. Jacob Pride states the average tax will cost \$450, \$128 of which is for fire and EMS. Joann Norris asks if the emergency payments will stop. Jacob Pride replies yes, EMS costs borne by the Township are figured into the EMS tax. Ten townships already have this type of tax, and Middle Smithfield and Price Townships are considering one as well.
 - f. Joab Vaughn and Cathy Schonherr ask for updates regarding the appeal of the Zoning Officer's decision on Parcel 16.6.1.33. Information regarding the hearing is confirmed, and Zoning Hearing Board dates are available on the Township's website. Ron Karasek states any hearing must be posted seven days before.
 - g. Joab Vaughn asks about the noise/nuisance ordinance. This ordinance will be discussed at the Planning Commission meeting tomorrow before returning to the Board.
 - h. Kristine Karol asks about the general process for a conditional use hearing. Ron Karasek explains the hearing normal consists of determinations of party status, a presentation by the applicant, discussion, and testimony. Kristine Karol asks about the burden of proof. Ron Karasek replies objectors must prove that a use abnormally effects the surrounding property, and the applicant must show that they've met the ordinance criteria. The Township cannot deny a project for no reason. Robert Lovenheim states the Board may impose conditions on the use.
 - i. Joann Norris asks what the other land development is on December 13th. Julia Heilakka replies it is the Verizon Wireless/Magick Cauldron LDP, which is also available on the Township website. Robert Lovenheim states it's a cell tower.
10. Jacob Pride motions to adjourn, Robert Lovenheim seconds; meeting adjourned at 7:00PM.

Minutes recorded by Julia Heilakka

Respectfully submitted:



Julia Heilakka, Assistant Secretary