

THE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS
REGULAR BUSINESS MEETING
DECEMBER 20, 2023

A Regular Business Meeting of the Smithfield Township Board of Supervisors was held on December 20, 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 (arrives at 6:01PM), Solicitor Ronold Karasek, Engineer Jon Tresslar (arrives at 6:02PM), and Township Manager Julia Heilakka.

Also present are Kristine Karol, Tammy Booth, Rob Tortiello, Pam Barrett, Vicky Ozgun, Tiffany Drake, Joann Norris, Richard Norris, Bob Marki, Kermit Chamberlain, and Lynn Schwarz.

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. Seeking Letters of Interest for Two Planning Commission Seats - Deadline 12/28/23.
 - b. Executive Session Held 5:30PM on 12/13/2023 re: SPS/PRD Litigation.
4. Minutes
 - a. Robert Lovenheim motions to table the minutes from the December 13, 2023 regular meeting, Brian Barrett arrives at 6:01PM and seconds. Vote: all in favor; minutes accepted.
5. Reports
 - a. Solicitor's Report – Jon Tresslar arrives at 6:02PM. Ron Karasek states he is working on the SPS/SVPRD litigation case.
 - b. Engineer's Report – Jon Tresslar states he is moving forward with the Wawa plan, continuing to work on the NPDES permit for River's Edge Bike Park, and securing proposals for infiltration testing for Waterfront Park.
6. New Business
 - a. Consider: Consent Agenda.
 - i. Consider: Ratify Advertisement for Supervisors and Auditors Reorganization Meetings.

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

- b. Nuisance/Noise Ordinance Discussion. Robert Lovenheim discusses proposed changes to the draft ordinance related to removing noise control officers and tables III and IV to simplify enforcement, and changing times in Section 307 to make them uniform. Rob Tortoriello discusses constant construction in a residential area and bulldozers shaking the windows of his home. Lynn Schwarz suggests keeping the octave band table (Table III). Pam Barrett asks how generators are addressed. The audience discusses that noises from emergency situations are exempt.

Robert Lovenheim states he would prefer an option to provide the letter to whomever is creating the noise on the property, as property owners are sometimes difficult to locate. Vicky Ozgun agrees. Ron Karasek states that as a general rule, due process requires the owner be notified. The Board could file a petition with county court, explain the due diligence, and a judge may provide an alternate form of service. Vicky Ozgun states that 65 dB is too low and asks about snowplows. Julia Heilakka replies that snow removal activities are exempt under Section 308. Lynn Schwarz states 65 dB should not be raised.

Robert Lovenheim states that enforcement will be complaint-based; the point is to prevent people from abusing the situation. Vicky Ozgun states the dB maximum should be raised. Pam Barrett states residents of East Stroudsburg must register all renters; the Township should consider that. Richard Norris states he can hear sounds from a quarry at his house, and is concerned about development and flooding in Shawnee Valley. Pam Barrett states she can hear SR 80 and trains from her house. Rob Tortoriello states ambient noise in the area matters. Bob Marki asks if the Township checked the Stroudsburg ordinance. Jacob Pride responds that the ordinance consulted are available on the township webpage.

Tiffany Drake states she lives off Airport Rd on a nonconforming use in the M1 zone and expresses concern over how sound is measured in her zone. Michael Albert asks how nonconforming properties will be handled. Tiffany Drake states she did not know she was moving into an industrial zone 12 years ago. Jacob Pride replies that area was zoned industrial when the Township adopted zoning. Before that time, anyone could put any use on any property; the Board may need to consider nonconforming uses. Michael Albert discusses how to address nonconforming uses. Tiffany Drake states all individuals near industrial parks are affected by noise. Rob Tortoriello states his neighbor has been abusing the R-1 zone for six year and asks about a time cap for construction noise. Pam Barrett asks why the Zoning Officer has not been present. Rob Tortoriello replies he has, but there is subterfuge on part of property owner.

Robert Lovenheim states the Township is dealing with two large issues, the illegal BMX operation on Parcel WHAT and a construction business in a residential area. Zoning takes a long time to enforce, and this noise ordinance will be much faster. Julia Heilakka states the Zoning Hearing Board meeting for the BMX property is January 29th at 7PM. Pam Barrett states this ordinance will be written after the BMX track was installed; will this hold up? Jacob Pride replies the current offense is under zoning, this is a separate ordinance. Tammy Booth states the ordinance is valuable because too many people are inconsiderate of their

neighbors. Vicky Ozgun asks how the Township will fine drag racers at the old airport. Michael Albert asks about changing an ordinance once it's passed. Julia Heilakka explains the process for this ordinance and curative amendments.

Ron Karasek states he needs to leave for another meeting, discusses the draft Ordinance No. 247, and asks that the Verizon Wireless agenda item be tabled. Ron Karasek leaves at 6:51PM. Rob Tortoriello asks if industrial equipment is permitted in residential areas. Jacob Pride replies existing nonconforming properties are permitted. Vicky Ozgun asks about snowmaking equipment. Julia Heilakka replies it is exempt under Section 308. Vicky Ozgun asks about personal snowmaking equipment. Bob Marki asks about construction activities and confirms emergency work is permitted. Rob Tortoriello asks about applications during holidays. The Board considers what qualifies as an emergency. Julia Heilakka confirms there is a mailing list and webpage dedicated to the development of the noise/nuisance ordinance.

- c. Consider: Verizon/Magick Cauldron Land Development Plan. This LDP has an extension through February 11, 2024. Robert Lovenheim motions to table this item, Jacob Pride seconds. Vicky Ozgun asks about the project. Jacob Pride replies the applicant updated their plan. Jon Tresslar states the applicant received a conditional approval subject to comments, and revised their submission. Vicky Ozgun and Tiffany Drake express concern related to the health effects and noise from the cell tower. Jon Tresslar states testimony was offered that there is no sound or health consequences from the tower, and discusses the conditional use process. Vote: Jacob Pride and Robert Lovenheim in favor; Brian Barrett does not vote: item tabled.
- d. Consider: Resolution No. 536 – 2024 Budget. Jacob Pride states this proposed budget prepares for regular capital improvements and includes funding Fire and EMS services. Robert Lovenheim motions to approve the budget, Jacob Pride seconds. Pam Barrett states her taxes has risen from \$137 to \$500 since Jacob Pride took office, and asks about the Conservation & Recreation Director. Jacob Pride explains the position. Pam Barrett states the parks are a mess, Julia Heilakka is working unauthorized overtime, Jacob Pride is charging for parks, the Township is stealing money, and none of the supervisors should be paid. Joann Norris states the Township should save money. Robert Lovenheim states taxes had to increase for EMS and fire services. Pam Barrett states the Township is now 5th highest in the county. Jacob Pride replies that is not true. Pam Barrett states the attorney general should get involved. Joann Norris states she dislikes the consent agenda and that the drains are clogged on Mosiers Knob Rd. Jacob Pride states the prior administration did not update the budget to match Township equipment replacement requirements. Pam Barrett asks what Jacob Pride has done in parks. Vote: Jacob Pride and Robert Lovenheim in favor; Brian Barrett does not vote: motion carries. Joann Norris asks why the Township is hiring. Pam Barrett states Robert Lovenheim is appraising property and asks about kiosks and restrooms at Minisink Park.

- e. Consider: Resolution No. 537 – 2024 Taxes. Jacob Pride motions to adopt Resolution No. 537, Robert Lovenheim seconds. No public comment. Vote: Jacob Pride and Robert Lovenheim in favor; Brian Barrett does not vote: motion carries.
 - f. Consider: Resolution No. 538 – 2023 Budget Adjustments. Robert Lovenheim motions to approve Resolution No. 538, Jacob Pride seconds. Pam Barrett states “sport kiosks, layout restrooms.” Vote: Jacob Pride and Robert Lovenheim in favor Brian Barrett does not vote; all in favor; motion carries.
 - g. Public Hearing: Draft Ordinance No. 247 - Remove Treatment Centers from R-1 Zone. Robert Lovenheim motion to table items g & h, Jacob Pride seconds. Pam Barrett states “Lake Valhalla and Echo Park”. Vote: Jacob Pride and Robert Lovenheim in favor; Brian Barrett does not vote: motion carries.
 - h. Consider: Adopt Draft Ordinance No. 247. [Item tabled per 6.g]
 - i. Consider: Authorize Purchase of Skid Steer. The Township is purchasing this equipment and intends to bring all paving in house for 2024. Robert Lovenheim motions to approve, Jacob Pride seconds. Pam Barrett states the Township is committing fraud. Joann Norris asks how a skid steer is used for paving and who will pave the roads. Jacob Pride replies the roadcrew. Vote: Jacob Pride and Robert Lovenheim in favor; Brian Barrett does not vote: motion carries. Richard Norris states the roadmaster does not know how to pave.
7. Board of Supervisors’ Report – none.
8. Bills: \$110,197.25 – (General Fund: \$109,097.01 - Liquid Fuels Fund: \$0 - Escrow Fund: \$1,100.24). Robert Lovenheim motions to approve the bills, Jacob Pride seconds. Richard Norris states the Township is spending money that does not belong to it. Vote: Jacob Pride and Robert Lovenheim in favor; Brian Barrett does not vote: motion carries.
9. Public Comment
- a. Pam Barrett states it is not your money, it is our money.
 - b. Tammy Booth states it is difficult to hear the Board members speaking. Jacob Pride replies the Board is working on improving the meeting room.
10. Robert Lovenheim motions to adjourn, Jacob Pride seconds; meeting adjourned at 7:23PM.

Minutes recorded by Julia Heilakka

Respectfully submitted:



Julia Heilakka, Assistant Secretary