

THE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS
REGULAR BUSINESS MEETING
JANUARY 10, 2024

A Regular Business Meeting of the Smithfield Township Board of Supervisors was held on January 10, 2024, 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 Michael Albert, Solicitor Ronold Karasek, Engineer Jon Tresslar, Stenographer Donna Kenderdine, and Township Manager Julia Heilakka.

Also present are Brett Cartwright, Doug Olmstead, Jim DePetris, Rob Tortoriello, Kermit Chamberlain, Kristine Karol, Joab Vaughn, Joann Norris (via Zoom), and Debbie Kulick.

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. The Board held the following Executive Sessions: January 2, 2024 from 5:00PM – 5:54 PM for personnel and public safety, January 9, 2024 from 11:30AM – 12:40PM for personnel, and January 10, 2024 from 5:18 P.M. – 5:46P.M. for personnel and public safety.
4. Minutes
 - a. Robert Lovenheim motions to accept the minutes from the December 13 and 20, 2023 regular meetings, the January 2, 2024 reorganization meeting, and the January 2, 2024 regular meeting, Michael Albert seconds. No public comment. Vote: all in favor; minutes accepted.
5. Reports
 - a. Solicitor's Report – Ron Karasek has been working on the Smithfield Gateway Phase 1A-2 documents and a safety concern in Shawnee Valley.
 - b. Engineer's Report – Jon Tresslar is preparing documents for repairs at Green Mountain Drive Bridge. The Township will need to pursue rights-of-way for the bridge's walls.
6. New Business
 - a. Consider: Consent Agenda
 - i. Consider: Appoint Rick Staples to Brodhead Creek Regional Authority.
 - ii. Consider: Revise Township COVID Policy Effective 1/10/2024.

iii. Consider: One for Nature Grant – Funding Commitment Letter.

Robert Lovenheim motions to adopt the consent agenda, Michael Albert seconds. Michael Albert confirms the COVID policy requires social distancing, and states the match for the grant is \$1,415 for garbage cans. Vote: all in favor; motion carries.

- b. Consider: Adopt Ordinance N. 247 - Remove Treatment Centers from R-1 Zone. The public hearing begins at 6:05PM. [This hearing is recorded by Donna Kenderdine, LLC]. Robert Lovenheim motions to close the hearing, Michael Albert seconds: the hearing is closed at 6:23PM. Robert Lovenheim motions to adopt Ordinance No. 247, Michael Albert seconds. No public comment. Vote: all in favor; motion carries.
- c. Consider: Infiltration Testing at Waterfront Park. Jon Tresslar states the NPDES permit for Waterfront Park requires infiltration testing. Earth Engineering was the low bidder at \$7,900, and Midlantic Engineering and Geo-technology Associates were both around \$15,000. Jacob Pride motions to award the contract to Earth Engineering for \$7,900, Robert Lovenheim seconds. No public comment. Vote: all in favor; motion carries.
- d. Consider: Smithfield Gateway Phase 1A-2 Development Documents. Doug Olmstead discusses the revised escrow agreement which splits Phase 1A-2 in two. Michael Albert motions to approve the escrow agreement as reviewed by solicitor, Robert Lovenheim seconds. No public comment. Vote: all in favor; motion carries.

Doug Olmstead discusses the assignment and assumption of the improvements and stormwater agreement by Smithfield Music, LLC. Ron Karasek approves of the proposed documents. Michael Albert motions to approve the assignment and assumption agreement as presented, Robert Lovenheim seconds. Martha Carbone states she received a text that there are issues with audio on Zoom. Vote: all in favor; motion carries.

Doug Olmstead discusses a change regarding the insurance certificate. Ron Karasek reviewed the changes and agrees with the revisions. Michael Albert motions to reaffirm the approval of the developer's agreement, Jacob Pride seconds. No public comment. Vote: all in favor; motion carries.

Doug Olmstead discusses the letters of credit for the project. Ron Karasek has reviewed the letters and approves of them. Michael Albert motions to approve the language for the updated letters of credit, Robert Lovenheim seconds. No public comment. Vote: all in favor; motion carries.

Doug Olmstead states closing is scheduled for Thursday or Friday of this week. The project will be complete in 2024. The 9mm wearing course is scheduled for the spring of 2024, and additional road fixes will occur in the interim. Debbie Kulick asks for attention to the turn lane at St. Luke's. Jim DePetris thanks the Board.

- e. Consider: Appoint Individuals to the Planning Commission. The Board is seeking to diversify the boards and would like to appoint James Munet and Dr. Nicole Carney to the Planning Commission, and ask Mitch Bowyer to consider a position on the reforming Environmental Advisory Council. Robert Lovenheim motions to appoint James Munet and Nicole Carney to the Planning Commission (terms to expire January of 2028), Michael Albert seconds. No public comment. Vote: all in favor; motion carries.
- f. Discuss: Noise/Nuisance Ordinance. Julia Heilakka reviews the changes made from prior meetings. Rob Tortoriello expresses concern that the ordinance will not address a problem with his neighbor, who is constantly running equipment and power tools outside his home. The Board discusses how the situation could be resolved. Rob Tortoriello states his neighbor stated he's running a business, but then lied to the Zoning Officer. The Board discusses that the blight ordinance may be applicable.

Kristine Karol discusses that the noise ordinance could provide the opportunity to get a Township official present onsite more often, to determine what's actually occurring. Robert Lovenheim expresses frustration that the zoning process takes a long time to enforce; this ordinance can be enforced immediately.

Brett Cartwright asks if the Zoning Officer reports his work-related activity, and asks how to stay informed during a zoning investigation. Julia Heilakka replies the Board may provide general information, but cannot comment on specifics so they don't compromise witnesses. Lynn Schwarz discusses §306.e, and the Board decides to remove the section related to music. Tammy Booth asks for clarification on why Table II was removed.

Robert Lovenheim states the ordinance may not be perfect, but passing something means enforcement can begin. Joab Vaughn references Stroudsburg's noise ordinance. Tammy Booth states the 120 dB limit seems high, and asks about the inclusion of administrative procedures. Michael Albert asks about the definition of instantaneous vs. weighted sounds and if there is a time component to those measurements.

- g. Consider: Request County Planning Commission Review of Noise/Nuisance Ordinance. Robert Lovenheim motions to request a review from the MCPC, Michael Albert seconds. Ron Karasek confirms the Board can send this to the MCPC but does not need to; this is not a zoning ordinance. Michael Albert confirms the draft should strike §10-306.e, clarify instantaneous vs. weighted sounds with timeframes. Robert Lovenheim amends his motion to include revisions, Michael Albert seconds. Vote: all in favor; motion carries.

7. Board of Supervisors' Report

- a. Jacob Pride thanks the audience for their engagement regarding the development of the noise/nuisance ordinance.

8. Bills – none.

9. Public Comment


- a. Derek Teay asks about the outcome of the declaratory judgement regarding road safety in Shawnee Valley. The Board responds they are still discussing strategy, have held executive sessions on the matter, and are still gathering information and guidance from PSATS. Derek Teay asks if the state police will have a responsibility for road safety if a judge decides the Township does. Michael Albert replies this issue is related to meeting current codes and requirements instead of responsibility.

Joann Norris asks what Ron Karasek is working on for SVPRD Stage 1B. Julia Heilakka replies that Ron Karasek's work on this Shawnee Valley issue is not related to Ted Hunter's project. Joann Norris states she does not have power at Mosiers Knob. Kristine Karol states her power returned at 5PM today.

10. Robert Lovenheim motions to adjourn, Jacob Pride seconds; meeting adjourned at 7:43PM.

Minutes recorded by Julia Heilakka

Respectfully submitted:



Julia Heilakka, Township Secretary