

THE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS
REGULAR BUSINESS MEETING
JANUARY 24, 2024

A Regular Business Meeting of the Smithfield Township Board of Supervisors was held on January 24, 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 Missy Hutchison, Administrative Coordinator Dyana Salvi, Conservation & Recreation Director Alex Jackson, and Township Manager Julia Heilakka.

Also present are Attorneys Ameer Farrell and Jason Ulrich, Kietryn Zychal, Chuck Nicolaus, Kristine Karol, Brett Cartwright, Patricia Owens, Tim Snow, Dan Harvey, Diana Scheid (via Zoom), Charles Cohan, Jade Ramos, Derek Teay, Joseph Pandolfo, Bob Marki, and Lisa Zito.

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: none.
4. Minutes
 - a. Michael Albert motions to accept the minutes from the January 10, 2024 regular meeting, Robert Lovenheim seconds. Vote: all in favor; minutes accepted.
5. Bills & Obligations
 - a. Ratify: \$115,015.43 (General Fund: \$115,015.43, 1/12/2024).
 - b. Approve: \$82,679.27 (General Fund – \$82,679.27 – Liquid Fuels Fund: \$0 – Escrow Fund: \$0).

Robert Lovenheim motions to approve the bills, Michael Albert seconds. No public comment. Vote: all in favor; motion carries.

6. Reports
 - a. Solicitor's Report – Ron Karasek states the PA Supreme court issued a decision to not hear the appeal from Water Gap Capital Partners, so this item is complete unless the plaintiff appeals to federal court. In a separate lawsuit filed with the federal court, Water Gap Capital Partners requested that the case be dismissed with prejudice, which the Board will approve later in the meeting. Additionally, Attorney Karasek has been working on Smithfield Gateway and other matters.
 - b. Engineer's Report – Missy Hutchison states Earth Engineering conducted infiltration testing at Waterfront Park. She is working on plans related to reconstructing rain gardens

and building impervious surface over the pump track at River's Edge. The renewal for the NPDES permit is due May 2024, and the permit expires in November 2024.

7. Old Business

- a. Consider: Revised Smithfield Gateway Phase 1A-2 Documents. Doug Olmstead states the Letters of Credit (LOCs) were delivered directly to the Township and Sewer Authority, so the escrow agent agreement is no longer necessary. Michael Albert motions that the Township opted not to use the escrow agent for the LOCs, and therefore the closing escrow agreement should be destroyed, Robert Lovenheim seconds. No public comment. Vote: all in favor; motion carries.

Doug Olmstead states the LOC was initially under DEPG Mosier for Wawa, but they would like to transfer the LOC to Smithfield Music LLC. The bank will overnight a new LOC. Jacob Pride motions to permit the transfer of the LOC to Smithfield Music LLC, Robert Lovenheim seconds. No public comment. Vote: all in favor; motion carries.

Doug Olmstead states it is time to renew the LOC for pad improvements. The developer requests permission for the LOC to be renewed at a reduced rate, consistent with documents from the Township engineer. Michael Albert motions to permit the reduced LOC, Robert Lovenheim seconds. No public comment. Vote: all in favor; motion carries. Doug Olmstead states construction on Wawa begins next week.

- b. Presentation: Comment Period for Renaming of S*mbro Creek. Alex Jackson states the Township is accepting comments regarding the naming of two creeks that flow through Smithfield Township. One creek is proposed to be renamed Swan Creek, and the second creek has three name considerations: Paemasing Creek, Lenni Lenape Creek, or Brushy Mountain Creek. Public comment is welcome during the meeting or by emailing Alex directly. This name change was attempted years ago but not completed. Tim Snow confirms the location of the creek and asks about other townships' involvement. Kietryn Zeigle replies the US Geological survey will send proposed names to all townships. Tim Snow believes the Creek was someone's last name. Jacob Pride replies there is no proof of last name; the Township wants to remove the slur.
- c. Conditional Use Hearing: Healthy Minds Treatment Center. The hearing is continued at 6:19PM. This hearing is transcribed by Donna Kenderdine Recording, LLC. Jacob Pride motions to pause the hearing until March 13, 2024 at 6PM, Michael Albert seconds: the hearing is paused at 7:32PM. The meeting pauses at 7:32PM and resumes at 7:36PM.

8. New Business

- a. Consider: Approve Consent Agenda.
 - i. Consider: Ratify Advertisement of Finance Director Position.
 - ii. Consider: Appoint Members to the River's Edge Master Site Plan Grant Committee.
 - iii. Consider: Approve Green Light Go Change Order No. 1.

- iv. Consider: Accept Dismissal of Water Gap Acquisitions Partners v. Smithfield Township et. al.

Robert Lovenheim motions to approve the consent agenda, Michael Albert seconds.
Vote: all in favor; motion carries.

- b. Discuss: Right-of-Way Acquisition for Green Mountain Dr. Bridge. The Township received plans for required ROW acquisitions for permanent and temporary easements near Green Mountain Drive Bridge for repairs. The Township has not heard from DLP (an adjacent property owner at Parcel 16.3.2.36). Joann Norris asks what the right-of-way is for and who is doing the construction. Jacob Pride replies the bridge is getting repaired and will remain aesthetically the same.
- c. Discuss: Post Office Bridge Rd. Barriers/Closure. A Township-owned bridge on Post Office Rd needs repairs. New federal regulations require water-filled barrels to protect the wingwalls. A property owner on the other side of the bridge is interested in taking over the road and bridge.
- d. Discuss: Formation of Smithfield Township Economic Development Committee. Michael Albert has seen economic development committees in other townships and feels the committee would be useful. The Board discusses the committee's potential purpose and wishes to gather more information.
- e. Discuss: School Bus Stop at Hollow Rd. Residents have expressed concern regarding a bus stop recently moving from an overflow parking lot in the Shawnee Valley HOA to the intersection of Shawnee Valley Drive and Hollow Rd. The Township does not have the jurisdiction to correct this, but wants to try to resolve the situation because of safety concerns. Michael Albert reached out to the school district, who said the bus stop may be moved back if the school district receives a letter from the HOA. Michael Albert spoke with the president of the HOA.

Jade Ramos states one new proposed bus stop is 5.5 miles away from the current one. Robert Lovenheim wants the Board to consider enacting a safety ordinance to provide the Township means to act on safety matters in the Township if the roads are accessible by the public. Derek Teay is a Board member of the HOA and believes the residents are not being heard by the HOA; the history of this matter is convoluted and he agrees that a bus stop on a state road is dangerous. Jacob Pride asks if anyone has reached out to PennDOT or local legislative offices.

Jade Ramos has four children, three who are in school. She visits the bus stops for high school, middle school, and elementary school pickups. The new location is chaotic and dangerous because of high-speed traffic on Hollow Road and parents lining both sides of Shawnee Valley Drive. She contacted the president of the HOA and received conflicting reasons for why the stop was moved.

Joseph Pandolfo remembers when the bus stop was first created, the school district determined a pickup point at Hollow Rd was unsafe, and the stop was shifted into the

HOA for safety reasons. Neighbors near the overflow parking lot have complained because of discourteous parents at the bus stop. He is very concerned for safety at the Hollow Rd pickup point.

Michael Albert states there is a lot of discontent in the HOA, but all parties should focus on the safety of the children. Robert Lovenheim states the Township cannot do anything about moving the bus stop, but should do something about the roads.

- f. Discuss: Road Safety Standards. Robert Lovenheim states the Township has no right to tell an HOA where to put a bus stop but can caution them that it is unsafe. He would like to consider enacting an ordinance stating the Township can comment on safety for all roads that are accessible to the public. This would allow all roads to be mandated to comply with PennDOT specifications, and the Township would have the ability to enter private developments and update private roads. Michael Albert expresses concern that no other townships in Pennsylvania are doing this.

Ron Karasek needs the declaration of covenants and restrictions for Shawnee Valley HOA before he can comment on this. Robert Lovenheim states this Township may be the first one, but it is important to move forward. Michael Albert agrees with updating standards when a road is renovated but is unsure how to address current roads. Robert Lovenheim believes the Township should comment on the safety of roads.

Ron Karasek states the Township does not have jurisdiction to impose development requirements on land developments that have already been approved. The action of declaratory judgement will ask the court if the Township can control safety on private roads. The Board discusses paying for upgrades and inspecting roads. Michael Albert confirms that new private roads need to be built to Township standards.

Bob Marki confirms that an existing road is required to meet PennDOT standards if it is upgraded. Derek Teay asks about the consequences of work done without permits. Michael Albert replies the work may be undone if it is not compliant.

Lisa Zito discusses the difference between a private road and private community. Jacob Pride explains the land development process, and how communities may offer roads for dedication. Lisa Zito expresses concern that ambulances are forced to stop to get over the speed bumps. Michael Albert states private roads are owned by the HOA but there are provisions for the Township to accept a private road.

Derek Teay states EMS is not allow to do CPR or intubations while going over speed bumps and residents have destroyed the underside of their cars. Robert Lovenheim states the speed bumps in Shancee Valley HOA are dangerous and a life safety issue. The Board discusses jurisdiction over the speed bumps. Derek Teay states someone riding a scooter hit the speed bump and was medivac-ed.

Joseph Pandolfo asks for clarification on the definition of a private road and permit requirements regarding driveways and retaining walls. Ron Karasek states the HOA can

always be sued by a private party and he cannot answer these questions without knowing the covenants and restrictions of the HOA.

Robert Lovenheim states he is on the Board to protect the safety of residents and is displeased with the lack of action with safety concerns. Robert Lovenheim leaves at 8:45PM.

- g. Michael Albert motions to add rescheduling a public meeting to February 7th at 6PM to the agenda, Jacob Pride seconds. No public comment. Vote: all in favor; motion carries. Jacob Pride motions to approve rescheduling the February 14th meeting to February 7th, Michael Albert seconds. No public comment. Vote: all in favor; motion carries.

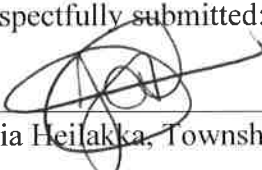
9. Public Comment

- a. Joann Norris expresses concern for proposed development in Shawnee Valley.
- b. Patricia Owens asks about parking data related to the Healthy Minds Conditional Use Hearing. Jacob Pride replies parking and traffic counts are finalized at land development.
- c. Tim Snow asks for clarification on Water Gap Wellness litigation. Ron Karasek replies Water Gap Wellness filed a separate federal lawsuit and are asking for the case to be dismissed with prejudice.

10. Michael Albert motions to adjourn, Jacob Pride seconds; meeting adjourned at 8:53PM.

Minutes recorded by Julia Heilakka

Respectfully submitted:



Julia Heilakka, Township Secretary