

THE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING – NOVEMBER 19, 2024, AT 6:00PM

A Regular Business Meeting of the Smithfield Township Board of Supervisors was held on November 19, 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, Engineer Jon Tresslar, Administrative Coordinator Dyana Salvi, Conservation & Recreation Director Alex Jackson, Finance Director Bonnie Winters, and Township Manager Julia Heilakka. Solicitor Ronold Karasek is absent.

Also present are Kristine Karol, Tara Vecchio, Pat Owens, Brett Cartwright, Marguerite Vecchio, Nick DeFranko, Joseph Widmer, Zak Klaptosky, and Desiree Siena.

1. Chair Jacob Pride calls the meeting to order at 6:00PM.

2. The Pledge of Allegiance is recited.

3. **Announcements:**

- a. The Board held an Executive Session on November 19, 2024 from 5:48PM to 5:53PM to discuss litigation regarding Back9MX.
- b. Leaf Collection is now through December 1st.
- c. First Energy Road Closure - River Rd between Hollow Rd and Waring Dr will be open with flaggers on November 20th.

4. **Minutes:**

- a. October 17, 2024 Joint Session.
- b. November 12, 2024 Regular Meeting.

Robert Lovenheim motions to table both sets of minutes, Michael Albert seconds. Vote: all in favor; motion carries.

5. **Bills & Obligations: \$77,968.05.**

- a. Ratify: \$33,897.29 (General Fund: \$33,897.29).
- b. Consider: \$44,070.76 (General Fund: \$41,239.45, Escrow Fund: \$2,831.31).

Robert Lovenheim motions to approve the bills, Michael Albert seconds. Kristine Karol confirms the park staff are contractors for Marshalls Falls and Minisink Park, and asks about citations. Tara Vecchio requests additional information on hiring plans for 2025. Marguerite Vecchio requests information on staff at night. Vote: all in favor; motion carries.

6. Reports:

- a. Solicitor's Report. None.
- b. Engineer's Report. Jon Tresslar had a Green Mountain Drive Bridge project meeting today and submitted the GP-11 permit.
- c. Township Manager's Report. None.
- d. Environmental Advisory Council Report. Pat Owens states the Council meets tomorrow. Brett Cartright states the Council is working on an environmental assessment document and updating the open space inventory.
- e. I-80/SR 611 Report. None.
- f. Supervisors' Comments. None.

7. Old Business:

- a. Discuss: Data Center Criteria. Alex Jackson requests additional guidance on the development of data center criteria regarding the use, submission checklists, setbacks, market feasibility, screenings, and acreage requirements. The Board discusses the usefulness of a checklist within the zoning ordinance, and who will determine what qualifies as a sufficient submission. Alex Jackson clarifies the checklist references specific sections, and is a guide. Brett Cartwright discusses, and the Board confirms, that an Environmental Impact Study (EIS) is required for data centers. Jon Tresslar states an EIS is often a requirement, but developers can request a waiver. Brett Cartwright suggests a community impact study for data centers.

The Board discusses current and proposed setbacks; current side setbacks in the ED zone is 20ft, or 40ft adjacent to residential, and proposed setbacks from residential zones increase to 200ft for the primary building at 300ft for accessory structures. Alex Jackson discusses utilities, noise, intermittent sounds, and striking a requirement for a noise monitoring device with a public database. The Board discusses requirements that may be unenforceable, suggests keeping noise requirements in the noise ordinance, and discusses the definition of a disaster recovery facility.

Zak Klaptosky asks how to review the noise references in this discussion. Julia Heilakka replies the draft ordinance will be available on the website once it's updated from tonight's discussion. Kristine Karol confirms the Board discussed definitions for data centers and a disaster recovery center.

- b. Consider: Continue Smithfield Township Affiliation with Brodhead Watershed Association (BWA). The Township has not heard back from BWA. Robert Lovenheim motions to table this item, Michael Albert seconds. Vote: all in favor; motion carries.

8. New Business:

- a. Consider: Approve Consent Agenda.
 - i. Consider: Adopt Resolution No. 572 – Tax Collector Compensation.
 - ii. Consider: Marshalls Creek Fire Company VSTCP Eligibility List.

Robert Lovenheim motions to approve the consent agenda, Michael Albert seconds. Michael Albert confirms the tax collector compensation increase is 3% per year. Vote: all in favor; motion carries

- b. Consider: Joseph Widmer Land Development Plan. Nick DeFranko presents a project on Parcel 16.7.1.52, on the corner of SR 2012 (Milford Rd) and Joel Street. In June 2024, the Zoning Hearing Board granted four variances for the property. There are fourteen requested waivers demonstrated on the RKR Hess letter, revised October 23, 2024. The Planning Commission voted to conditionally approve the project per the Township Engineer's review letter dated November 7, 2024, and all fourteen waivers. Robert Lovenheim motions to approve waivers 1-2, 4-6, and 8-14 on the October 23, 2024 RKR Hess letter, Michael Albert seconds. Vote: all in favor; motion carries.

The Board discusses a 10-ft easement for sidewalks adjacent to the right-of-way (ROW) buffer on SR 2012. Tara Vecchio confirms that this would permit the possibility of sidewalks in the future. Michael Albert motions to grant waiver #3, under Section 1015.1, conditioned on the applicant providing a 10ft sidewalk easement adjacent to the ROW on SR 2012, understanding that landscaping may be affected by the installation of a sidewalk, and costs for a future sidewalk would be born by the Township. Jon Tresslar confirms the 10ft easement can be reflected on the plan and does not need to be a separate document. Robert Lovenheim seconds the motion. Vote: all in favor; motion carries.

The Board discusses waiver request #7 – Chapter 22, Section 1101.1.1.c. Nick DeFranko corrects that the waiver request should be from Section 1101.1.c.2.c. Michael Albert motions to grant the waiver regarding Section 1101.1.c.2.c, Robert Lovenheim seconds. Vote: all in favor; motion carries.

Jon Tresslar reviews the conditional approval form: a planning module is not needed, certification from the SSA is pending, certification from BCRA is not applicable, the review from MCPC is received, the applicant submitted an E&S plan to MCCD, the plan has stormwater management, a PennDOT HOP is present from 1991, and no other permits are required. The applicant shall comply with all comments in the Township Engineer's review letter dated November 7, 2024, a deed of dedication for streets is not applicable, a merger deed is not applicable, the applicant will grant a 10ft sidewalk easement adjacent to the ROW and reflect the easement on the plan, and there are no miscellaneous agreements. Improvements and maintenance agreements, fees in lieu of open space, monuments and markers, waivers noted on the

plan, signatures, and plan notarization are all pending. The project is not a PRD. Joseph Widmer signs the conditional use approval application. Robert Lovenheim motions to approve the Widmer LDP based on the conditional approval form dated November 19, 2024, Michael Albert seconds. Vote: all in favor; motion carries.

- c. Consider: Adopt Resolution No. 573 – Statewide LSA Application re: Shawnee Fire Co. Robert Lovenheim motions to approve Resolution No. 573, Michael Albert seconds. Julia Heilakka states Shawnee Fire Company is pursuing the purchase of a \$1.3 million fire apparatus. Vote: Robert Lovenheim and Michael Albert in favor; Jacob Pride abstains due to a conflict of interest: motion carries.
- d. Discuss: Audit and Sewer Authority for FY2024. Bonnie Winters has not heard from PSATS. Michael Albert motions to table this item, Robert Lovenheim seconds. Vote: all in favor; motion carries.
- e. Consider: Authorize Advertisement of FY2025 Budget. Jacob Pride states the draft budget is available on the website. The budget must be advertised for twenty days, and will be considered for approval at the Board meeting on December 17, 2024. Bonnie Winters provides a summary of the budget line items for Township funds. Michael Albert confirms grant money is restricted, and the income from grants is a reimbursement for money already spent.

Pat Owens asks for clarification on how proposals are managed. Jacob Pride explains professional services and bidding requirements. Tara Vecchio confirms employee retirement benefits and healthcare are located in the employee benefits line item. Kristine Karol asks about healthcare costs. Julia Heilakka replies the Township has not yet received that information from Teamsters.

Michael Albert motions to advertise the draft budget, to be considered for adoption at the Board of Supervisors meeting on December 17, 2024, Robert Lovenheim seconds. Vote: all in favor; motion carries.

9. Public Comment.

- a. Michael Albert states he will not be present at the meeting on November 26th for the Liquor License Transfer hearing for Wawa, Inc.
- b. Brett Cartwright states the intersection of SR 209 and Gap View Drive is dangerous, and something must be done. The Board states the Township does not have jurisdiction over a state road. Julia Heilakka states this intersection is included in the 2025 Hazard Mitigation Plan. Robert Lovenheim asks if the intersection with SR 2012 and Craigs Meadow is included in the Hazard Mitigation Plan.
- c. Robert Lovenheim asks if the Township has received traffic counts for Birch Acres, Julia Heilakka answers not yet.

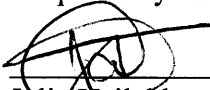
d. Marguerite Vecchio, Tara Vecchio, and Desiree Siena express environmental and zoning concerns at 1138 Hillside Drive.

e. Brett Cartwright requests a banner on the website for emergency situations.

10. **Adjournment:** There being no other business before the Board, Robert Lovenheim motions to adjourn, Michael Albert seconds. Vote: all in favor; meeting adjourned at 7:34PM.

Minutes Recorded by Julia Heilakka

Respectfully submitted,



Julia Heilakka
Township Secretary