

A special meeting of the Middle Smithfield Township Board of Supervisors was held on Friday, February 21, 2014 at 8:30 a.m. at the Schoonover Municipal Building with Annette Atkinson presiding.

Members present; Annette Atkinson, Michael Dwyer and Mitchell Marcus. Also in attendance, Township Secretary Michele and township Solicitor Michael Gaul via telephone.

Annette Atkinson made a motion to go into executive session at 8:30 a.m. Mitchell Marcus seconded the motion. Motion passed 3-0.

Annette Atkinson made a motion to reconvene the meeting at 8:48 a.m. Mitchell Marcus seconded the motion. Motion passed 3-0. The purpose of the executive session was to discuss with the township solicitor potential litigation regarding 5049 Milford Road.

New Business

Annette Atkinson made a motion directing the Township Solicitor to file a lawsuit against Harima, Inc., JMJ Hospitality, Inc. and HOTTPA, Inc., to correct violations of the zoning and subdivision and land development ordinances occurring at the 5049 Milford Road property as a result of the opening of the "Go-Go Danny's" business. Michael Dwyer seconded the motion.

David Pierce of the Pocono Record asked how this lawsuit will impact the citizen's current lawsuit. Attorney Gaul stated that it is two different matters. That lawsuit will still be pending and have to be resolved. The current complaints concern the recent opening of the Go-Go Danny's business on a portion of the Werry's Pub property. The other pending lawsuit involves a conditional use application for approval of an adult use. There was a deemed approval, which was appealed. The appeal is still pending in court and doesn't have anything to do with the complaints involving Go Go Danny's. When asked about the status of the HOTTPA land development plan, Attorney Gaul stated that Gerry Geiger, Esq., advises the supervisors on the land development plan.

Mr. Pierce asked if this suit is to get them to stop operating. Attorney Gaul said yes. When asked how soon it will be filed, Attorney Gaul stated that he does not want to discuss that question publicly, as it involves litigation consideration, but it will be filed very shortly.

Mr. Pierce asked Attorney Gaul if he thinks the use can continue status quo, Attorney Gaul stated that a Notice of Violation has already been sent to the property owner.

Nor further public comment was received.

The motion passed 3-0.

Adjournment

Annette Atkinson made a motion to adjourn the meeting at 9:02 p.m. Mitchell Marcus seconded the motion. Motion passed 3-0.

Respectfully submitted, Michele L. Clewell
Township Secretary