

A special meeting of the Middle Smithfield Township Board of Supervisors was held on Wednesday, March 20, 2013 at 7:00 p.m. at the Schoonover Municipal Building with Annette Atkinson presiding.

Members present: Annette Atkinson, Michael J. Dwyer and Mitchell K. Marcus. Also in attendance were Township Solicitor Michael Gaul, Esq., Township Engineer Fred Courtright, P.E., Zoning Officer/Code Official Wayne Rohner, Stenographer Donna Kenderdine, Township Secretary Michele Clewell, Adams Outdoor Advertising representatives and the applicant attorney and members of the public.

Approval of Minutes

Annette Atkinson made a motion approving the March 14, 2013 minutes. Michael Dwyer seconded the motion. Motion passed 3-0.

Report of Executive Sessions

Attorney Gaul stated that an executive session was just prior to this meeting regarding pending township legal matters, including Adams Outdoor Conditional Use proceedings and appeals that have been filed regarding the Middle Smithfield Township Zoning Hearing Board decision.

Solicitors Report

Dagoberto Mederos Dangerous Structure Decision – Attorney Gaul stated that accordance with the instruction of the Board of Supervisors at the last meeting, a decision has been completed. The Decision finds the Dagoberto Mederos property to be a dangerous structure and orders for the house on the property to be completely demolished, and clean up and remove all trash, demolition debris and other debris from the property. Dagoberto Mederos is directed to commence work to accomplish the aforesaid purposes within ten (10) days of the date of the Decision, and to complete such work within thirty (30) days thereof.

Wayne Rohner is directed to place a notice in accordance with the decision.

If the property owner does not do the work in thirty (30) days the Board of Supervisors may complete the work and a lien will be placed on the property.

Annette Atkinson made a motion to approve the Decision as written. Mitchell Marcus seconded the motion.

No one from the public asked to speak.

Motion passed 3-0.

Attorney Gaul requested that the township secretary mail the necessary documents to the property owner.

Resolution 03-2013-01; Parliamentary Procedures – Attorney Gaul stated that at the request of the Board of Supervisors his office prepared a short summary of Roberts Rules of Order. The resolution does not provide rights to 3rd parties and does not supersede state law.

Annette Atkinson made a motion to approve. Michael Dwyer seconded the motion. Motion passed 3-0.

Public Hearing

Donna Kenderdine took a stenographic record of the public hearing.

Conditional Use Application Adams Outdoor Advertising – Billboard for property owner, Edward Regina. Appearances by applicant's attorney, Victor Cavacini, Esquire, and Lois Arciszewski of Adams Outdoor Advertising.

Annette Atkinson made a motion to open the public hearing at 7:10 p.m. Michael Dwyer seconded the motion. Motion passed 3-0.

Attorney Cavacini, stated that Mr. Petrizzo was suppose to cross examine Lois Arciszewski however he is not present to do so.

Attorney Gaul stated that the Board of Supervisors would prefer to postpone a decision on the conditional use application until a decision on the zoning hearing board appeals are decided. Attorney Cavacini stated that he is opposed to this request and sees no reason for it as it could take two (2) to three (3) years for the appeal process. Attorney Cavacini stated that he does not know what Adams Outdoor Advertising will do but once the conditional use has been decided; they can do it at their own risk until the zoning hearing board appeal is concluded.

Attorney Gaul asked if the zoning hearing board decision is a part of the record. Attorney Cavacini answered that it is not. Attorney Gaul stated that he would like an official copy of the decision made a part of the record. Attorney Cavacini stated that the decision will be named as an applicant's exhibits.

Lois Arciszewski of Adams Outdoor Advertising provided additional testimony and entered applicant's exhibits 35-37 into the record.

Attorney Cavacini presented Exhibits A1 through A37 with no objections.

Edward Regina, property owner provided his testimony.

Attorney Cavacini gave his closing statement and rested their case.

Attorney Gaul stated that no one is present that was a party to the proceedings. The public was asked if they had any comments. Mr. Albert Decker was sworn in and provided his statement.

Attorney Gaul stated that there will not be a decision tonight as the Board of Supervisors has forty-five (45) days from tonight's hearing to render a (written) decision.

Attorney Gaul stated that the Board of Supervisors would like Findings of Fact and Conclusions of Law. Attorney Cavacini stated that he will have it completed in two (2) weeks.

There was discussion with regard to how soon the transcript would be completed of tonight's hearing. Donna Kenderdine stated that she will have the transcript complete at least two (2) weeks prior to the next hearing.

Annette Atkinson made a motion for the hearing to remain open in order for Donna Kenderdine to be present at the April 25, 2013 7:00 p.m. meeting for deliberation and a decision. Michael Dwyer seconded the motion. Motion passed 3-0.

Attorney Gaul stated that this matter will be on the Board of Supervisors regular meeting agenda and no further advertisement will occur on this matter.

New Business

Revised Clubhouse Rental Agreement – Annette Atkinson made a motion to adopt the revised agreement. Mitchell Marcus seconded the motion. Motion passed 3-0.

Public Comment

Al Decker asked about the Expo and Egg Hunt. Annette Atkinson stated that Mr. Decker can call the office and or committee chairpersons.

Annette Atkinson made a motion to adjourn the meeting at 7:46 p.m. Michael Dwyer seconded the motion. Motion passed 3-0.

Respectfully submitted,

Michele L. Clewell,
Township Secretary

