

A special meeting of the Middle Smithfield Township Board of Supervisors was held on Friday, May 18, 2012 at 6:00 p.m. at the Schoonover Municipal Drive, with Mitchell K. Marcus presiding.

Members present: Mitchell Marcus, Annette Atkinson and Michael Dwyer. Also in attendance Township Solicitor Michael Gaul, Township Zoning Officer Wayne Rohner, Township Secretary Michele Clewell, Stenographer Donna Kenderdine numerous residents and other interested parties.

Representing the applicant, Pocono Market Place, LLC, regarding the Conditional Use Public Hearing is Michael Berardi, R. Douglas Olmstead, Jr., P.E. of Olmstead Ruiz Smith, LLC, and Attorney Brett Regale

Treasurers Report

Approval of the Payables

Michael Dwyer made a motion to approve the payables out of the Liquid Fuels account for a total of \$472,102.95. Mitchell Marcus seconded the motion. Motion carried 3-0.

Public Hearing Pocono Market Place, LLC

Donna Kenderdine took a stenographic record of the conditional use public hearing.

Mitchell Marcus made a motion to open the Conditional Use Public Hearing for the Pocono Market Place, LLC at 6:10 p.m. Michael Dwyer seconded the motion. Motion carried 3-0.

The Board of Supervisors requested that Attorney Gaul run the public hearing. Attorney Gaul explained the procedures regarding a public hearing as opposed to a public meeting.

On behalf of Pocono Market Place, LLC, R. Douglas Olmstead, Jr. P.E. presented a proposed conditional use application for an open air market to be located at Pocono Square Mall (formally Foxmoor Village)

Attorney Gaul went through the Township exhibits with Zoning Officer, Wayne Rohner.

Testimony regarding the number of vendors, parking, hours of operation, signage, water & sewer, sidewalk and parking lot repair, safety issues, and traffic, was received.

Attorney Gaul suggested that the Supervisors take all the testimony under advisement and request the parties to brief it.

Attorney Gaul stated that at this time, 9:30 p.m., the record will be closed on the public hearing for the Pocono Market Place, LLC public hearing.

Mitchell Marcus made a motion to adjourn the hearing until June 15, 2012 at 6:00 p.m. for deliberation and decision. Michael Dwyer seconded the motion. Motion carried 3-0.

Attorney Gaul asked and the Board of supervisors agreed that they want the parties to submit Proposed Findings of Fact and Conclusions of Law no later than 12:00 p.m. June 5, 2012.

Attorney Gaul stated that prior to this evenings meeting the Board of Supervisors met in executive session to discuss the HOTT, PA, Inc. conditional Use Zoning Appeal.

Michael Dwyer made a motion directing Attorney Gaul to file a brief in response to HOTT, PA, Inc. objectors brief in response to discussion held in executive session prior to this evenings meeting.

New Business

Crossings at Marshalls Creek Land Development– Michael Dwyer made a motion to table discussion on this agenda item. Annette Atkinson seconded the motion. Motion carried 3-0.

Michael Dwyer made a motion to adjourn the meeting at 9:48 p.m. Annette Atkinson seconded the motion. Motion carried 3-0.

Respectfully submitted,

Michele L. Clewell
Township Secretary
May 18, 2012

MST Liquid Fuels as of May 17, 2012

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Bill Pmt - Check	04/17/2012	1078	George S Coyne Chemical	ferric chloride	2,820.00
void	05/10/2012	1079	void	void	0.00
Bill Pmt - Check	05/10/2012	1080	Asphalt Maintenance Solutions, LLC	Hidden Lake Drive	469,282.95
					<u>472,102.95</u>