

A special meeting of the Middle Smithfield Township Board of Supervisors was held on Thursday, May 31, 2012 at 6:00 p.m. at the Schoonover Municipal Building with Mitchell K. Marcus presiding.

Members present: Mitchell Marcus, Annette Atkinson and Michael J. Dwyer. Also present, Township Solicitor Michael Gaul, Esq., Township Engineer Fred Courtright, P.E., Township Zoning Officer Wayne Rohner, Township Secretary Michele Clewell and Stenographer Donna Kenderdine.

Mitchell Marcus announced that the Conditional Use Public Hearing for the 209 Plaza flea market would begin once the applicant was present, therefore the remaining agenda items were presented.

Solicitors Report

Preliminary Land Development Plan 5049 Milford Road – Attorney Michael Gaul stated that the township alternate solicitor, Gerry Geiger is the attorney representing the township with regard to this plan and Attorney Geiger has spoken to the applicants attorney and this matter will be tabled until the Board of Supervisors regular meeting, June 5, 2012 at 7:00 p.m. Mitchell Marcus made a motion to table action on the Preliminary Land Development Plan 5049 Milford Road until the Board of Supervisors regular meeting June 5, 2012 at 7:00 p.m. Annette Atkinson seconded the motion. Motion carried 3-0.

WAWA/Sellersville Junction Revised Land Development - Attorney Gaul stated that the Supervisors, at their May 1, 2012 meeting, approved the execution an improvements agreement in the form provided by the Township's SALDO in regards to the improvements to be made within the PENNDOT Rt. 209 right of way, which such modifications as approved by the Solicitor and the Supervisors executing it. For purposes of clarity, Attorney Gaul explained that the final agreement execution and delivered by the Township was titled an "Indemnity Agreement for Improvements under HOP", and requested that the Supervisor's confirm their approval of the final form of the agreement. Mitchell Marcus made a motion to approved the final form of the agreement as requested by Attorney Gaul. Annette Atkinson seconded the motion. Motion carried 3-0.

Engineers Report

Pump Station Bids for No. 1013 - Fred Courtright recommend that all bids be rejected at this time due to costs being too high. Michael Dwyer made a motion to reject all bids based on cost and that a letter be sent to the bidders. Mitchell Marcus seconded the motion. Motion carried 3-0.

Advantage Electrical Installation Pump Station 209 Sewer Extension Change Order No. 3 – Fred Courtright stated that when the project was designed Met-Ed indicated the use of a pad mounted transformer which meant that they would supply the wire to the transformer, but when it was time to schedule connection they changed to pole mounted transformers which results in this change order to supply the wire to and up the pole. Total cost of the change order is \$ 3,317.68. Michael Dwyer made a motion to approve the Advantage Electrical No. 3 change order. Annette Atkinson seconded the motion. Motion carried 3-0. There were questions regarding pursuing Met-Ed for the costs associated with the changes. Mr. Dwyer stated that he is already working on that.

Public Hearing

A stenographic record was taken by Donna Kenderdine.

209 Plaza Conditional Use – Mitchell Marcus made a motion to open the public hearing for the 209 Plaza Conditional Use application at 6:13 p.m. Annette seconded the motion. Motion carried 3-0.

Attorney Gaul stated that this is a continuation of the hearing that was held on April 25, 2012.

Party opponents were named. None of them were present.

Attorney Gaul stated that the date and time of this hearing was announced at the last hearing therefore no public notice was required.

Attorney Gaul stated that at this time it would be appropriate for the applicant to continue calling witnesses.

Testimony regarding the number of vendors, hours of operation, traffic and parking control was received.

Attorney Gaul stated that at this point the record will close.

Scott Nathanson summed up his case.

Attorney Gaul stated that at this time the Board of Supervisors can make a decision, but as in prior hearings, the Supervisors have taken the testimony under advisement and hold a special meeting in order for the transcripts to be reviewed.

Michael Dwyer made a motion to adjourn the public hearing and hold a special meeting for deliberation and possible decision on June 15, 2012 at 6:00 p.m. Annette Atkinson seconded the motion. Motion carried 3-0.

Public Comment

Public comment was received regarding the entrance into the Liberty Square Plaza, traffic lights, traffic studies and PA State Constables directing traffic. Attorney Gaul stated that anyone who wants to make a comment on this Conditional Use application should come to the June 15, 2012 special meeting.

A question was asked regarding the township's payment to Big Ridge Developers for the sewer capacity. Attorney Gaul stated that the deadline is July 3, 2012. Michael Dwyer stated that we are waiting for our audit as it is critical to refinancing the sewer debt. We are hoping to receive the audit next week.

A question was asked regarding the wind power. Fred Courtright stated that he extracted the data card and forwarded to the wind tower people a month ago and this was the last data collected in order for them to prepare the final report. Mr. Courtright stated that he has not received the report yet.

A question was asked if the Conditional Use Applicant is required to have a minimum of (2) acres. Attorney Gaul stated that the Zoning Ordinance says a minimum of (2) acres of land and this is something that will have to be reviewed.

A question was asked regarding signage on township roads, specifically into the golf course, little signs, carpet cleaning. Wayne Rohner stated that those signs are not allowed.

A question was asked regarding the E-911 re-addressing project and what is the deadline for street signs. Annette Atkinson stated that people are responding favorably and the deadline runs into October of this year.

Executive Session

Mitchell Marcus made a motion to go into executive session at 7:51 p.m. to discuss the Hott PA, Inc. Zoning Appeal. Annette Atkinson seconded the motion. Motion carried 3-0.

Mitchell Marcus made a motion to come out of executive session at 8:40 p.m. Michael Dwyer seconded the motion. Motion carried 3-0.

Mitchell Marcus stated that, during the executive session, after discussing the zoning appeal, the Board of Supervisors also attempted to contact Attorney Geiger by telephone to discuss the HOTT PA, Inc. Land Development plan, but was not able to reach him, and that Attorney Gaul departed the executive session prior to Supervisors attempting to contact Attorney Geiger.

Mitchell Marcus made a motion to authorize Attorney Gaul to enter into stipulation to remand the HOTT PA, Inc. zoning appeal back to the Township in accordance with discussion in executive session. Michael Dwyer seconded the motion. Motion carried 3-0.

Mitchell Marcus made a motion to adjourn the meeting at 8:45 p.m. Annette Atkinson seconded the motion. Motion carried 3-0.

Respectfully submitted,

Michele L. Clewell
Township Secretary
May 31, 2012