

A special meeting of the Middle Smithfield Township Board of Supervisors was held on Thursday, July 31, 2014 at 8:10a.m. at the Schoonover Municipal Building, 147 Municipal Drive, Middle Smithfield Township, Pennsylvania, with Annette Atkinson presiding.

In attendance: Supervisors Annette Atkinson, Michael Dwyer, Mitchell Marcus, Township Solicitor Michael Gaul (conference call), Zoning Officer - Shawn McGlynn, and Administrative Assistant - Joan Hemm-Woisin. Also present were John Petrizzo, Steve Swika of S & S Amusements and other members of the public.

The Township Secretary Michele Clewell was absent. The consensus of the Supervisors was that Joan Hemm-Woisin act as recording secretary.

Annette Atkinson announced that Michael Gaul was attending via telephone conference call and asked Michael Gaul to identify himself, which was done.

Annette Atkinson made a motion to go into a brief executive session which Mitchell Marcus seconded.

Michael Gaul stated that the executive session was for the Supervisors to consult with the Township Solicitor regarding potential litigation and that an executive session also took place prior to the meeting regarding the same subject.

John Petrizzo commented that he was representing himself due to his attorney being at a conference and his other attorney had a conflict. He believes that the supervisors should go into executive session after hearing his testimony.

The Supervisors voted on the pending motion, which carried 3-0.

The Supervisors went into executive session at 8:15a.m.

Annette Atkinson made motion at 8:25a.m. to come out of executive session, which Mitchell Marcus seconded. Motion passed 3-0. Ms. Atkinson asked Michael Gaul to report on the purpose of the executive session. Michael Gaul reported that the executive session was to consult with Township solicitor regarding potential litigation.

Annette Atkinson made a motion that the Supervisors authorize and direct Township Solicitor, Michael Gaul, to proceed with the injunction action against John Petrizzo, Sheryl Petrizzo and S&S Amusements. Michael Dwyer seconded the motion.

John Petrizzo stated that he has a number of questions for the Board and would like to provide testimony. Michael Gaul advised the Board of Supervisors that it is fine to have Mr. Petrizzo or anyone else comment on the motion, but that the Supervisors should not engage in any conversation whatsoever about the matter at this time as it involved potential litigation. Mr. Gaul also noted to there was no court recorder present and no one was under oath.

John Petrizzo made a number of statements directed to the Supervisors and Zoning Officer. Notably, Mr. Petrizzo stated that the location of the property (Hollow Road and Holy Cross) and that he has a flea market permit for this property, which should be applied to the carnival.

Mr. Petrizzo stated that when S&S Amusement was at Fernwood in June that a bridge was used to ferry people across Sandhill Creek and that there is no permit for this bridge. He asked why the Supervisors did not get an injunction against Bushkill Group at that time. Michael Gaul advised that the Supervisors not engage in any discussion because of potential litigation.

Mr. Petrizzo asked Shawn McGlynn whether he knew that there is piece of paper that states Township employees are not allowed on his property. Mr. Gaul advised Shawn McGlynn not to engage in any discussion at this time. This was not a question and answer period- only a time to make comments on the pending motion.

Steve Swika of S&S Amusements stated S&S does not get permits but works with property owners to get necessary permits. He stated that Mr. Petrizzo and S&S Entertainment had been looking at the property for about a year now to possibly set up a long term arrangement, perhaps go-kart amusements.

John Petrizzo made one more comment – that the Supervisors should not go through with this action because there are 70 people spending money in their township, and that Mr. Petrizzo pays taxes. He also stated that two Supervisors are Republicans, and that he is a Democrat and that he ran against Mitchell Marcus and that these circumstances are important on a federal level.

Ms. Atkinson asked if there is anyone else who would like to make a comment on the motion. She asked Michael Gaul if he had any comments or recommendations. Mr. Gaul said if the Board feels they need to go into executive session, they could do so. Annette Atkinson asked if any of the supervisors felt the need to go into executive session. All indicated that they did not need to go into executive session.

Larry Dymond asked if there is any way that a permit can be issued today to resolve this. Ms. Atkinson stated that at any time during the whole process, Mr. Petrizzo could have applied for a permit.

The Supervisors voted on the pending motion, which carried 3-0.

Annette Atkinson asked whether any member of the audience desired to make public comment. No one desired to offer public comment.

Ms. Atkinson made a motion to adjourn the meeting, which was seconded by Michael Dwyer. Motion carried 3-0. The meeting adjourned at 8:48 a.m.

Respectfully submitted,

Joan Hemm-Woisin,

Recording Secretary