MIDDLETOWN TOWNSHIP
DELAKE COUNTY, PENNSYLVANIA

AMENDED – Updated Zoom Link
AGENDA

AT-LARGE: Norman C. Shropshire, Mark Kirchgasser, Kathleen O’Connell Bell
FIRST DISTRICT: Susan K. Powell
SECOND DISTRICT: Walter (Bok) Read
THIRD DISTRICT: Bibianna Dussling
FOURTH DISTRICT: Stephen Byrne
ENGINEER: Eric Janetka, Kelly & Close
SOLICITOR: Joseph A. Damico, Jr., Esq.

For the Regular Meeting to be held at 7:00 p.m. on Monday, September 14, 2020, online as a virtual meeting during COVID-19 social distancing.

Public Access Information:

Zoom Meeting Link: https://us02web.zoom.us/j/82014455825
Zoom Meeting ID: 820 1445 5825
Dial by your location: 1-646-876-9923

1. CONVENE ONLINE MEETING: Review Virtual Meeting Rules

2. APPROVAL OF MINUTES:
   A. Draft Council Meeting Minutes - July 13, 2020

3. PUBLIC COMMENT: On items not listed on the Agenda

4. REPORTS:
   A. Chairman
   B. Committees
      1) Land Planning Committee – September 14, 2020
   C. Manager
      1) Request from Linvilla Orchards to operate traffic lights at Rte. 352 & Knowlton Road every weekend in October 2020 from 10am-6pm, locations staffed by the Fire Police of Middletown Fire Company and Rocky Run Fire Company, with notification to PSP
   D. Engineer
      1) Engineer’s Report – August 2020

5. OLD BUSINESS:
   A. Presentation of the Township’s Updated Emergency Operations Plan and Consideration for Approval: Resolution 2020-14 Adoption of the Middletown Township Emergency Operations Plan.
   B. Consideration of Ordinance 825: Authorizing Purchase of Easements for Constructing a Multi-Purpose Paved Trail (Westlake Real Estate Easement on Folios 27-00-01181-00 and 27-00-01180-00) (Continued to September 28)
C. Consideration of Ordinance 826: Authorizing Purchase of Easement for Constructing Multi-Purpose Paved Trail (Chester Creek Properties Easement on Folio 06-00-00040-00) (Continued to September 28)

6. **NEW BUSINESS:**
   A. Motion to Appoint John McMullan, Township Manager, as PA Right-to-Know Officer for the Township
   B. Consideration for Introduction: Ordinance 819, Authorizing Execution of Easement for Constructing Multi-Purpose Paved Trail (AFP Properties Easement on Folio 27-00-01179-00).
   C. Consideration for Introduction: Ordinance 827, Authority to incur debt, which a portion will be electoral and non-electoral, through the issuance of GO Bonds in the maximum aggregate principal amount of $14,500,000.
   D. Consideration of a three-year Recycling and Yard Waste Collection Contract Award in the amount of $102 per household per year.
   E. Consideration for the Township to enter into a “License” agreement with the Delaware County Bureau of Elections, for a Ballot Drop Box.
   F. Approval of September 14, 2020 Bill List.
Minutes of the Regular Meeting of Township Council held on July 13, 2020 at 7:00 P.M., online as a virtual meeting during the COVID-19 Restrictions and/or Stay-At-Home Order.

Present: Stephen Byrne, Mark Kirchgasser, Kathleen O’Connell-Bell, Susan Powell, Walter “Bok” Read, Norman Shropshire, Vince Visoskas, Meredith Merino, Joseph A. Damico, Jr., Esq., Eric Janetka
Absent: Bibbiana Dussling

1. OPENING/CONVENE ONLINE MEETING: Review Virtual Meeting Rules.
   Chairman, Mr. Kirchgasser, called the meeting of the Council to order at 7:00 P.M. He stated the Township is continuing to operate the meetings virtually. He stated Council anticipates returning to public meetings starting August 10, 2020. Mr. Visoskas stated Council members are unmuted and when public comments are permitted, they will be unmuted. Mr. Visoskas reminded the public to give their name and address for the record.

2. PUBLIC COMMENTS
   Mr. A. G. Ciaverelli, 301 New Darlington Road, asked if all materials relating to the agenda be posted ahead of time to let the public have time to study the materials. He stated he did not see any materials from the last meeting regarding Sunoco willing to construct the pavilion to be located at Sleighton Park. He stated it is very important for the public to be aware in case they have any questions particularly as it pertains to the easement discussed at the last meeting. Mr. Kirchgasser stated Council made everyone aware of the vote well in advance and negotiations were fluid and all of the information regarding the decision was not available prior to the meeting. He stated he wished all information would be available prior to the meetings but that is not always possible. Mr. Ciaverelli stated he understands negotiating with Sunoco but suggests the vote should be taken when all of the information is available to the public. Mr. Ciaverelli asked if the agreement will be posted on the website. Ms. Merino stated staff is working on getting the agreement fully executed and then will post it on the website. Mr. Ciaverelli asked about the report from Applied Geosciences which spoke of an agreement between them and Sunoco regarding the monitoring system. He asked if Middletown Township is a part of this agreement. Mr. Janetka stated there is no legal document signed, but there are proposals shared with written approvals. He stated in regard to the easement extension, there is a legal document.

   Mr. Ciaverelli asked what will happen if Sunoco does not follow through with the monitoring system. Mr. Kirchgasser stated he will discuss this with counsel and follow-up with a phone call to Mr. Ciaverelli.

   Ms. Laura Snyder, 1443 Gradyville Road, stated she has reviewed the Engineer’s report and has questions about the Geosciences study report and stated there were questions for follow-up and are the answers available to the public at this time.

   Mr. Janetka stated all of the questions asked by the Township’s expert have been answered to the satisfaction of the Township’s consultant. He stated there are no formal written reports
that contain the questions and replies. Mr. Janetka stated the Township’s expert sent memos in regard to the questions and answers and is completely satisfied with the answers. Ms. Snyder stated there are very specific questions that were asked, and she would like to see the answers. Mr. Janetka stated the reports that were done were largely in response to the sinkholes that were related to the 16” pipeline. He stated the utilization of casing that ETP decided to utilize was a reaction to reports done late last year and early this year. Ms. Snyder asked if she has specific questions could she write them down and present them to the Township can they then be answered. Mr. Kirchgasser stated if Ms. Snyder would get the questions to the Township, they will direct them to the solicitor to see which questions can or cannot be answered.

3. **APPROVAL OF MINUTES - N/A**

4. **REPORTS**

   A. **CHAIRMAN**
      1) Notification of Executive Sessions
         Mr. Kirchgasser stated there are no Executive Sessions to report.

         2) New Manager Update
         Mr. Kirchgasser reported the new manager search has been successful and will be approving the appointment of Mr. John McMullan this evening.

   B. **COMMITTEE**
      1) Land Planning Committee
         Mrs. Powell reported there was a Land Planning meeting this evening regarding Wolf’s proposing upgrades to their property. She stated they spoke with Plymouth Brethren Christian Church who is proposing a place to congregate in Middletown Township.

         2) Finance Committee
            Mr. Byrne stated the Finance Committee met briefly last week to discuss finance options for Smedley Park.

   C. **MANAGER - NO REPORT**

   D. **ENGINEER**
      1) SEE ATTACHED REPORT

      Mr. Kirchgasser asked if there is a start date on the Roosevelt project. Mr. Visoskas stated there is a pre-construction meeting next Monday and if all goes well should start at the end of the month with a tentative move-in date of June 2021 for the Library.

5. **OLD BUSINESS**
   A. Consideration for Approval: Resolution 2020-17, Preliminary/Final Lot Line Change Plan
Ms. Merino stated Mr. Westlake is proposing to revise the location of a boundary line that exists at 450 Lenni Road which actually cuts through the location of his existing building. She stated the lot line adjustment would slide the lot line over to give him the ability to create a second lot and eliminate the non-conformity on the first lot. She stated he is requesting waivers that are included in the draft Resolution; a waiver of the Preliminary plan review, a waiver of the placement of concrete monuments and waivers from the Stormwater Ordinance, the requirement that the riparian corridor be expanded to the limits of the 100 year flood plain and the requirement to record a riparian stormwater easement.

Mr. Kirchgasser asked if all is in order. Ms. Merino answered in the affirmative. Mr. Westlake stated he appreciated the cooperation from Council, Ms. Merino and her staff and Mr. Janetka and his staff to get the plan across the finish line. He stated the lot line currently bisects the building and they will be making two five acre lots.

Mr. Shropshire made a motion to approve Resolution 2020-17. Ms. Powell seconded the motion. The motion carried with a vote of 6-0.


Ms. Merino stated Mr. Patrick McKenna, Esq. will be representing the Township.

Mr. Read made a motion to open the Public Hearing. Mr. Shropshire seconded the motion. The motion carried with a vote of 6-0.

SEE ATTACHED STENOGRAPHER’S REPORT.

Mr. Byrne made a motion to close the Public Hearing. Mr. Read seconded the motion. The motion carried with a vote of 6-0.

Ms. O’Connell-Bell made a motion to approve Ordinance 817. Mr. Read seconded the motion. The motion carried with a vote of 6-0.

6. NEW BUSINESS
A. Consideration for Introduction: Ordinance 825 Authorizing Purchase of Easements for Constructing a Multi-Purpose Paved Trail (Westlake Real Estate Easement on Folios 27-00-01181-00 and 27-00-01180-00).

Ms. Merino stated Ordinance 825 and 826 will authorize the Township under the Home Rule Charter to purchase easements for the purpose of constructing a multi-purpose paved trail. She stated Ordinance 825 authorizes the easement purchase along the front edge of Mr. Westlake’s property at 450 Lenni Road and would allow the continuation of the Chester Creek Rail Trail onto the Township TRID Trail and ultimately to the SEPTA regional rail station which is currently under construction. Mr. Kirchgasser stated it is important to note under item 6A, which is the Westlake Real Estate easement, which is the parcel to the north and west of the map; and item 6B, which is the Chester Creek Properties, which is the parcel for property of Gary Westlake, Sr. located at 450 Lenni Road.
to the south and east on the map. He stated it is important to note there is a separate parcel that is not for consideration of discussion this evening. Mr. Damico stated the Township is interested in acquiring easements on the property for a walking trail. Mr. Damico stated in order to accomplish this under the Home Rule Charter, it is a requirement to advertise the intention to do this by way of passage of an Ordinance and then passing an Ordinance to authorize Council to acquire the easement and pay the cost of the easement. Mr. Kirchgasser asked Mr. Damico if the Township is still in negotiations for the easement. Mr. Damico stated a draft easement agreement has been submitted for staff review and amendments have been made and are not in the position to present the draft to the owners for their review and comment. Mr. Kirchgasser stated negotiations are not completed yet and Mr. Westlake has operated in good faith and thanked him for his cooperation. Ms. Kelly Johnson, 711 Iris Lane, asked if this will be the same width of the Chester Creek Road and would it provide parking. Ms. Merino stated the easement would be the same width. Mr. Kirchgasser stated there is an ongoing discussion between Mr. Westlake and Delaware County to expand parking.

Mr. John Paulson, 372 Mt. Alverno Road, asked if the center section is still in negotiations. Mr. Kirchgasser stated it is still in negotiation. He stated there has been an appraisal of the property and there is no effort to consummate the deal. Mr. Paulson thanked Council on behalf of the Friends of the Chester Creek Trail.

Ms. O’Connell-Bell made a motion to approve Ordinance 825. Mr. Byrne seconded the motion. Mr. Kirchgasser polled all members of Council for their votes. The motion carried with a vote of 6-0.

B. Consideration for Introduction: Ordinance 826 Authorizing Purchase of Easement for Constructing Multi-Purpose Paved Trail (Chester Creek Properties) Easement on Folio 06-00-00040-00).

Mr. Read made a motion to approve Ordinance 826. Mrs. Powell seconded the motion. Mr. Kirchgasser polled each member of Council for their vote. The motion carried with a vote of 6-0.

C. Consideration to Authorize: Acceptance of Low Bidder for the Smedley Park Phase 2 & 3 project.

Mr. Visoskas stated last month bids were opened and as they only received two bids, the Township rebid the project. He stated they received five bids for the re-bid project. He stated the low bidder is MECO Contractors with the base bid of $1,199,000. He stated there are three alternates to consider 1) the walking trail 2) baseball and softball infield area and alternate 3) the driveway and parking lot.

Mr. Visoskas stated the total bid including the alternates is $1,430,000. He stated there has been much discussion over the years regarding the softball fields and that alternate is approximately $65,000. He stated the engineering staff believe this is a well needed project and should start while there is still time to get grass down as it will take approximately two years for the grass to be established. He stated the finance committee met to discuss
funding. Mr. Visoskas stated the next item on the agenda covers a grant in the amount of $250,000 that the Township desires to apply for, however, the Township cannot apply for the grant for current work bid now. He stated an option is to postpone the fields until the grant is received. Mr. Shropshire asked if in the terms of agreement do the fields fall under the term of passive recreation. Mr. Damico stated the fields were termed playing fields but did not designate what could or could not be on the fields. Mr. Kirchgasser asked if there is time to make a decision on the size of the field used. Mr. Janetka stated the fields cannot be changed in size because they still have to be graded as per the plans. Mr. Janetka stated the cost is for all three fields and to install a special dirt mix. He stated sod has to also be installed to create the infield lines. Mr. Byrne asked when did baseball fields come into the plans. Mr. Janetka stated one of the fields is baseball and softball, one is an adult softball field and the last is baseball and softball field. He stated two of the fields are dual purpose to allow flexibility for youth baseball. He stated this decision was made several years ago. He stated the decision was made to have the infield with the cutouts and utilize the sod to create a baseball and softball field appearance. He stated only two of the fields will have raised mounds. He stated the mounds can be changed on the baseball/softball fields to flat and they could be utilized for just softball. Mr. Byrne stated anytime you put a mound on a softball field you are interfering with the game.

He stated they are taking away from girls sports by putting mounds on the fields. Mr. Janetka stated the fields were designed for dual purpose and the baseball field has to have a raised mound. He stated if Council does not want raised mounds, he will let the contractor know. Mr. Visoskas suggested Council can award the base bid tonight and Alternates 1 and 3. He stated the grading will be done for the ball and multi-purpose fields for the base bid. the Township can apply for the grant and next year put out a bid for Alternate 2. Ms. O’Connell-Bell stated she would like to have more information for what the community’s field needs are. Mr. Byrne stated the assessment of the number of baseball fields to the number of softball fields in the Rose Tree School District is old. Mr. Shropshire stated he did not see a need for a baseball field.

Mr. Shropshire made a motion to approve the base bid and Alternates 1 and 3. Mr. Byrne seconded the motion. Mr. Kirchgasser polled all members of Council for their votes. The motion carried with a vote of 6-0.

D. Consideration for Approval: Resolution 2020-18, Authorization for Greenways, Trails, and Recreation Program Grant application in the amount of $250,000 for the Smedley Park project.

Mr. Visoskas stated he recommends the grant be applied for as the deadline is later this month and hopefully there will be enough money to take care of the softball issue and finalize the final phase of the park.

Mr. Shropshire made a motion to approve Resolution 2020-18. Mrs. Powell seconded the motion. Mr. Kirchgasser polled each member of Council for their vote. The motion carried with a vote of 6-0.

E. Review of Zoning Hearing Board Applications:
1) Review of revised plan of 305 Howarth Road, setback for detached garage, R-1
2) Review of new Zoning Hearing Board application for Plymouth Brethren Church located at 47 N. Middletown Road, R-1.

Ms. Merino stated there is a slight change to 305 Howarth Road application. She stated the setback is 8 feet as opposed to the 5-foot setback. Mr. Shropshire stated there are concerns with some neighbors about the setback and the height of the building. Mrs. Powell asked if the garage is in the same location. Ms. Merino stated it is in the same location but slightly back from the property line. Mr. Kirchgasser stated there should be representation to the Zoning Hearing Board.

Ms. Merino stated the application for 47 N. Middletown Road is for Plymouth Brethren to use an existing dwelling for small church group meetings and storage. She stated they will need a variance from minimum lot size for religious use as a conditional use as the requirement is 5 acres and the property is approximately 4 acres. She stated they are also asking for a variance for the width of a two-way driveway. Mr. Shropshire asked if the property is close to the Children’s Academy. Ms. Merino stated it is two properties north of the academy. Mr. Shropshire stated the Township needs to proceed cautiously with this application. Mr. Kirchgasser asked if the property is adjacent to Smedley Park. She stated the Land Planning Committee reviewed the plans tonight and phase 2 of the property is to construct a 10,000 square foot church building to the rear of the existing dwelling and for now they only plan to use the existing dwelling for their church services. Council did not see a need to send representation to the Zoning Hearing Board.

F. Consideration for Approval: Resolution 2020-19, Records Disposition.

Mr. Visoskas stated the Township has scanned numerous documents and once they are digitized they do not need to be retained. He stated the Township follows the PHMC manual of records retention. He stated the documents include subdivision plans, worker’s compensation files, food establishment inspections, State ethics forms and swimming pool licenses.

Mr. Shropshire made a motion to approve Resolution 2020-19. Mr. Read seconded the motion. Mr. Kirchgasser polled each member of Council for their vote. The motion carried with a vote of 6-0.

G. Appointment of Mr. John McMullan as Township Manager.

Mr. Kirchgasser stated Council accepted the resignation of Andrew Haines as Township Manager in May and left he in late June. He stated Council immediately began a search for his replacement. He stated the Township received the resumes of five applicants and all were qualified. He stated a committee including Mr. Shropshire, Mr. Read and himself narrowed the field to two final candidates. He stated Council was assisted by Mr. Dave Woglo, of The Meyner Center of Lafayette College with the interview process. Mr. Kirchgasser stated Council unanimously selected Mr. John McMullan. He stated Mr. McMullan is the Finance Director of Upper Darby Township and has Manager experience in Upper Chichester Township. He stated Mr. McMullan presented himself as extremely calm...
and focused, is well educated and impressed Council. Mr. Byrne stated he was very impressed with Mr. McMullan and felt his demeanor and style fit what Council was looking for. Ms. O’Connell-Bell stated Mr. McMullan indicated his willingness to be open to the public. Mr. Kirchgasser thanked Mr. Read and Mr. Shropshire for their willingness to serve on the committee.

Mr. Shropshire made a motion to approve the appointment. Mr. Read seconded the motion. Mr. Kirchgasser polled all members of Council for their vote. The motion carried with a vote of 6-0.

Mr. Shropshire stated Ms. Dussling, who is not attending the meeting, also approved of his appointment. Mr. Read thanked Mr. Visoskas and Ms. Merino for providing staff leadership during the transition.

H. Approval of July 13, 2020 Bill List

Mr. Kirchgasser read the bill list aloud.

**GENERAL FUND**

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Mr. Shropshire made a motion to approve the bill list. Mrs. Powell seconded the motion. Mr. Kirchgasser polled each member of Council for their vote. The motion carried with a vote of 6-0.

Mr. Kirchgasser adjourned the meeting at 8:14 p.m.

Respectfully Submitted,

Sharon Browne
Middletown Township
Engineer’s Report
July 13, 2020
Council Meeting

MARINER 2 PIPELINE

Drilling of the 20-inch pipeline (Drill #591) began in early October 2019, but is presently on hold until geologic investigation of Valley Road (in relation to four subsidence in the area) has been reviewed by the PADEP and the drilling process is approved by PADEP/PUC to move forward. The pilot hole for 20-inch pipeline, which was approximately 90% complete was grouted closed and plugged with foam on both ends. Geophysical study information has been reviewed by the Township’s Geophysics/Geology consultant, Applied Geosciences and Engineering (AG&E), and found to be satisfactory. A monitoring plan, recommended by AG&E, has been agreed upon by ETP and is presently being coordinated between ETP (Rettew) and AG&E. The monitoring plan will be to monitor the entry point of the 20-inch HDD for earth features and will include both geophysical studies, surface elevation monitoring, and ground water monitoring, on a continuous basis, before, during and for a period of time after completion of the HDD. This monitoring plan will permit early detection of potential earth features, should they arise. The monitoring will begin prior to drilling re-starting. In addition, metal casing has been installed to reduce the possibility of inadvertent returns at the entry point as well as earth features (subsidence). The monitoring plan has been approved by AG&E. Installation of groundwater monitoring wells began on July 8, 2020.

Major modification of NPDES and other PADEP Permits for #620 Section of Pipeline is under review by PADEP and has been determined “administratively complete” but technical review of the submission has identified “significant” technical deficiencies that have to be addressed (refer correspondence dated May 27, 2020 from PADEP). Estimated approval date for major modification is unknown. Amended Grading and Excavating Permit is required from Middletown Township for the Drill #620 Major Modification work prior to commencement of construction of this portion of the pipeline (both 16-inch and 20-inch).

20-Inch diameter Drill #631 (Gun Club) - The installation of the 20-inch pipeline via direction drilling has begun including the installation of metal casing on both sides of the drill (one end of the drill is in Aston Township). Drilling is from both side (intersect drill) and the pilot hole is complete. The drill
is in the reaming phase and is approximately 20% complete. The overall drill is approximately 50% completed. It is estimated that this drill will be completed with pipe pull-back in November 2020. Metal casing is being utilized to reduce the possibility of inadvertent returns and ground subsidence.

- Drill #610 (Granite Farms Estates thru Franklin Mint) is complete and pipe pull-back is now complete. Both 16-inch diameter and 20-inch diameter pipelines are now complete at this location.
- Blasting on Franklin Mint property is ongoing and no issues reported thus far. Blasting has been approved by PADEP and Sunoco and it is our understanding that representatives from Sunoco are present during blasting.
- This office is in the process of updating the overall project status report and exhibits, which is done quarterly (approximately). These exhibits graphically depict all work that is complete, partially complete, temporarily restored or incomplete, including stormwater controls, permanent stabilization, landscape plantings, and approximate pipe installations. Engineering certifications have been received for all permanent stormwater controls proposed with this project for compliance with Township Code Chapter 198, Stormwater Management. Controls include both structural and non-structural improvements (e.g. plantings, amended soils, brush seeding). Underground infiltration was recently completed near the west side of Valley Road, approximately 1/8th of a mile north of W. Forge Road.

### SEPTA R3-2

#### MT120-Bwa

- Construction activity is ongoing from near the Elwyn Station to just north of the right-of-way intersection with Rt. 1. Work includes the replacement or rehabilitation of numerous stormwater culverts, replacement of bridges, installation of new bridges, widening and reprioring of tracks, and roadway improvements.

### SEPTA R3-3

#### MT120-Bwa

- A Grading and Excavation Permit has been issued to SEPTA for grading work associated with the R3-3 Land Development, specifically including the parking garage, driveway and station building. None of the work contemplated with the R3-3 Land Development related to the Lenni welfare building site has begun. None of the structures or buildings associated with the land development (including Lenni welfare building, Wawa Station Building and Parking Garage) are approved to
begin construction as the land development plan is not yet recorded.

**TOWNSHIP GUIDERAIL PROGRAM**  
**MT124-E**

- Maintenance bond for the 2019 Guiderail program expires September 17, 2020. Contract was for installation of approximately 2,000 LF of metal guiderail (Howarth Road, E. Knowlton Road (North) and Darlington Road (East)). Maintenance bond for the complete work expires September 17, 2020.

- Preliminary design plan is complete for E. Knowlton Road (South), Darlington Road (West) and Valley Road. Bid letting for this work has not yet been scheduled and is projected for 2021. Significant utility pole relocation and tree removal is required for these projects.

- The guiderail program is for the installation and/or replacement of guiderail along the following 6 segments of Township roadway (including the segments associated with the recently completed 2019 contract): Howarth Road, E. Knowlton Road (North), E. Knowlton Road (South), Darlington Road (East), Darlington Road (West) and Valley Road.

- The Township has applied for an A.R.L.E. grant for the completion of guiderail projects in 2021. A.R.L.E. is the Automated Red Light Enforcement Transportation Enhancements Grant Program established in 2010 as a PennDOT-administered competitive grant program in accordance with PA Vehicle Code (75 Pa.C.S.) §3116(l)(2) and §3117(m)(2). Funding for the program is generated from the net revenue of fines collected through Automated Red Light Enforcement Systems. The Township’s grant application was accepted in June 2020. Grant applications are accepted annually during the month of June.

**TOWNSHIP CODE AMENDMENTS**  
**MT110 SERIES**

- The following Codes are in the process of being amended prior to the end of 2021: Chapter 186 (Soil Erosion and Sedimentation Control), Chapter 204 (Streets and Sidewalks), Chapter 210 (Subdivision and Land Development) and Township Standards (construction standards, details and specifications).

- Chapter 198 (Stormwater Management Ordinance) – Amended Ordinance was adopted by Council and went into effect starting on January 9, 2020.
Preparation of Draft revisions to Chapter 186 (Soil Erosion and Sedimentation Control), has been completed and distributed to Township review committee. The document is in the process of being reviewed by Township Staff and consultants.

Preparation of a new Township Code, Chapter 77 (Building Permit Procedures) is continuing. The first draft of Chapter 77 will be distributed to the Township review committee in mid-2020. At that time, the document will begin formal review/revision process by Township Staff and consultants. Chapter 77 is intended to establish requirement and procedures for obtaining building permits and requirements for approval of Certificates to Occupancy for occupiable structures.

“Township Standards and Specifications” has been reviewed by Township Staff and revisions to the document, as well as various Township application forms is in process. This document is to formally update/upgrade and replace numerous construction details and policy documents utilized by the Township over the last many years. It is anticipated that upon review by Township staff, this document will be presented to Council for adoption. This document can (and will) be updated periodically to include additional construction details, guidance documents, forms, etc. if they become necessary.

**STORM SEWER REPAIR – 12 GLEN RIDDLE ROAD**  
**MT100-M**

Replacement of severely deteriorating storm sewer traversing the private property of #12 Glen Riddle Road (through a Township easement) is complete, with the exception of the driveway paving restoration (overlay) which is to be completed later in the summer after a period of at least 90 days has elapsed to allow for normal settlement of pipe trenches.

**STORM SEWER REPAIR – 78 FORGE ROAD**  
**MT100-N**

Installation of storm sewer collection inlets, pipe, berm and driveway berm has been completed. The purpose of this work was to address a drainage issue originating from Forge Road, impacting the front of #78 W. Forge Road.

**ROOSEVELT SCHOOL**  
**MT100-O**

The Township has completed survey of the entire school property.
Handicapped accessible ramp near the entrance to the school site was completed in June 2020.

Design of additional parking (within the island at the entrance of the property) and related stormwater management facilities is 90% complete. The proposed modification will result in the addition of 10 parking spaces, which will include two handicapped accessible spaces. The design will preserve the large tree at the entrance to the site.

**SUNNY BRAE STORMWATER BASIN REVITALIZATION  MT100-K**

- Awarded Mariner East 2 Pipeline Corridor Grant Funds ($198,472.00).
- The Township has submitted a PA DCED Flood Mitigation Program Grant application for $275,000.00 and is awaiting review of the application by the State.
- Basin area is located on land owned by the Township to the rear of #38 Gallant Fox Drive.
- Draft construction plan of the basin revitalization is complete and has been reviewed with Township Staff.
- Temporary construction easement plans are being prepared and will be the basis of acquiring permission from three property owners to complete the project. The Township is in the process of negotiating with property owners for access to adjoining properties to complete the work and approval of scope of work on each impacted property.
- It is desired to commence construction in 2020. This project has been delayed due to COVID-19.
- The Township Landscape Architect, Thomas Comitta Associates, has completed a basin planting and seeding plan.
- This basin revitalization work will be submitted to PADEP as a means to reduce sediment (PRP - Pollutant Reduction Plan) in conjunction with the NPDES Permit for the Township’s MS4 (permit term from 2018 to 2023). The basin revitalization work will address approximately 90% of the Township sediment reduction requirement within the Chrome Run watershed, for the 5-year term of the Pollutant Reduction Plan which began in early 2020.

**SMEDLEY PARK  MT100-A.2**

- Stage 1 work (Contract amount is $445,826.79) is complete. Maintenance bond for the project expired on June 2, 2020, after completion of maintenance punchlist work (repairs) by the Contractor.
➢ Contract for completion of Stage 2 and Stage 3 of the project has been let for bid and will be opened on July 8, 2020. Stage 2 includes the bulk field and parking lot grading work and Stage 3 includes the installation of parking lots, driveways and trails. Alternate Bid Items are proposed for completion of additional paved walking trail and baseball/softball infields and can be awarded depending on available funds and cost submitted by low bidder.

➢ Conversion of sediment trap nos. 1, 2, 3, 4 and 5 to permanent condition, is not part of this 2020 Contract and will be completed at a later date, as early as the Spring of 2021.

➢ The NPDES Permit for the Park project expires on December 19, 2022. PennDOT Highway Occupancy Permits have been extended to September 2020 and will be extended yearly as needed.

2018 CDBG – E. OLD BALTIMORE PIKE MT102-18

➢ Work is for the repair and paving overlay of E. Old Baltimore Pike from the Rt. 1 on-ramp to School Lane (approximately 2,200 LF or roadway). Work includes paving base repair, repair of concrete pavement, restoration of road crown, concrete curb, milling and bituminous overlay, signage and pavement striping.

➢ Work is to be completed under a Delaware County 2018 Community Development Block Grant in the amount of $130,650.00. Township contribution - $13,065.00.

➢ Bids for the project were opened in 2020 and the Township conditionally awarded the project to the low bidder, Innovative Construction Services in the amount $219,513.00, which includes additional funding in the amount of $25,818.00 from Delaware County OHCD, which was recently approved. The amount awarded also included reduction or elimination of some of the bid items and completion of some of the work by Public Works.

➢ A formal Notice of Award was sent to the low bidder on June 2, 2020 and signed Contracts have been received from the low bidder. Work is anticipated to commence around the third week in July.

MS4 NPDES PERMIT/POLLUTANT REDUCTION PLAN MT300-18

NPDES Permit application and Pollutant Reduction Plan for the 2018-2023 permit term was submitted to PADEP on December 4, 2019 and final approval of the permit has been issued. The permit term is 5 years (from the date of permit approval) during which
time, all stormwater BMPs described in the PRP, must be installed. It is anticipated that Sunny Brae Basin revitalization will be the first stormwater BMP from the PRP, to be completed (in 2020). The Township has submitted a PA DCED Watershed Restoration and Protection Program Grant application for $296,905.00 for construction of Stormwater BMPs in Township open space north of Highpoint Drive and south of the Franklin Mint, and is awaiting review of the application by the State.

**FORGE ROAD/HANSON QUARRY PAVING REPAIRS MT105-B**

- Temporary repairs made to Forge Road in front of Hanson Quarry in late 2018. Material for the repair was donated by the quarry. Repairs appear to be holding up well.
- Field information has been collected in order to prepare a permanent paving repair design including underdrain to mitigate wet conditions contributing to paving deterioration.
- Hanson Quarry has informally agreed to participate in permanent paving repairs contemplated in front of the Quarry entrance.
- Schedule for completion of permanent repairs has not been determined at this time since the temporary repair completed late last year continues to withstand truck traffic.

**MIDDLETOWN TOWNSHIP ROAD PROGRAM MT105-20**

- Work associated with the 2020 Road Program (paving, milling, pavement repair) is largely complete, with the exception of minor punchlist work which is presently in the process of being completed. The low bidder was A.F. Damon and the bid was approximately 40% less than the budget estimate based on the 2019 Road Program unit prices. Accordingly, the scope of work was expanded to take advantage of excellent unit prices received by the Township. The amount of the 2020 Road Program is $235,913.50 (liquid fuels portion of the contract). The amount of additional paving work approved by the Township due to excellent pricing is $309,183.90 (aka Phase 2 – Township funds will be utilized for this portion of the work). Roadways paved and repaired have been added to the Township website.

**SUBDIVISIONS/LAND DEVELOPMENTS MT305 SERIES**

- Riddle Hospital Expansion land development plan has been submitted and reviewed by Township staff/consultants and the final plan was approved by the Middletown Township Planning Commission on December 10, 2019. The applicant appeared before Council on December 9, 2019 and was
granted waiver of the preliminary plan approval requirements. The applicant obtained conditional final approval from Council on February 10, 2020. A Grading and Excavating Permit has been approved by the Township for utility relocation at the site. The land development plan has not yet been recorded, but it is anticipated the plan will be recorded in the near future, after which construction of the building will commence.

- SEPTA R3-3 Land Development Plan has been submitted and reviewed by Township staff/consultants and has been given final approval by Middletown Township Planning Commission and Council. Zoning variance required for the project were approved in August by the Zoning Hearing Board. It is anticipated that land development plan will be recorded in the near future, with commencement of station building and parking garage commencing soon thereafter.

- Artis Senior Living Land Development – The final plan, conditional use and zoning map/text amendments have been approved by Council. Anticipated commencement of construction is mid-2020. The land development plan has not yet been recorded.

- 227 Howarth Road Subdivision and Land Development (Mancil Builders) – Plan was granted final approval by Council on April 22, 2019, and in the process of being recorded. A Grading and Excavating Permit was approved so that the site can be cleared and erosion and sedimentation controls can be installed.

- Guss Subdivision (Howarth Road) – Conditional final approval granted by Council. The plan is in the process of being recorded and it is assumed that construction may begin in 2020.

- Promenade at Granite Run Land Development - Amended final approval has been granted by Council and recordation of the plan is complete. Construction pursuant to the approved (and recorded) final plan is on-going.

- Darlington Pointe II Subdivision - Conditional final approval granted by Council. Plan has been recorded and construction has commenced.

- 312 Lenni Road Subdivision - Conditional preliminary approval granted by Council.

- 33 N. Middletown Road Subdivision (Convery) - Conditional final approval granted by Council. Plan has not yet been recorded.

- Penncrest High School Life Skills Center and Parking Lot Subdivision and Land Development – Conditional final
approval has been granted by the Township Planning Commission and Council. The plan has not yet been recorded.

- 345 Valley Road Subdivision – Conditional final approval has been granted by the Township Planning Commission and Council. The Subdivision plan has not yet been recorded.

- Glenwood Elementary School Parking Lot – Plan has been reviewed by Township staff and was recommended for final approval by the Planning Commission on May 12, 2020 and granted conditional final approval by Township Council in June 2020. The plan is in the process of being recorded and it is our understanding that construction may commence during the summer of 2020.

- Westlake Lot Line Change – Plan has been reviewed by Township staff and was recommended for approval by the Township Planning Commission on March 10, 2020.

- Congregation Beth Yeshua Land Development – Plan has been recommended for final approval by the Planning Commission and granted conditional final plan approval by Township Council. It is our understanding the applicant desire to being construction during the summer of 2020 and has obtained PennDOT Highway Occupancy Permit. The revised plan is presently under review by the Township.
MIDDLETOWN TOWNSHIP
COUNCIL MEETING
July 13, 2020
VIRTUAL ZOOM MEETING

In Re: Consideration for approval, Ordinance 817
Text Amendment to Chapter 275

Transcript of a portion of the MIDDLETOWN
TOWNSHIP COUNCIL MEETING, in the above-captioned
matter, taken via on-line live Zoom meeting, before
Lorraine Evans, Court Reporter-Notary Public, on
Monday, July 13, 2020, commencing approximately at
7:20 p.m.

BOARD MEMBERS

MARK KIRCHGASSER, Chairman
NORMAN SHROPSHIRE
KATHLEEN O'CONNELL BELL
SUSAN K. POWELL
WALTER READ
BIBIANNA DUSSLING
STEPHEN BYRNE

JOSEPH A. DAMICO, JR. ESQUIRE, Solicitor
ERIC J. JANETKA, Township Engineer

LORRAINE EVANS
PROFESSIONAL COURT REPORTER-NOTARY PUBLIC
530 Paxon Hollow Road
Broomall, Pennsylvania 19008
(610)203-7715 7evanslorraine@comcast.net
CHAIRMAN KIRCHGASSER: Item 5B
consideration for approval, Text Amendment
Chapter 275, zoning for interior and flag lots.
We have a public hearing. May I have a
motion -- I'm sorry, first, is there any other
comments to this, Ms. Merlino?

MS. MERLINO: No. Just that our conflict,
solicitor, Patrick McKenna is here with us. He
has some exhibits to enter into the record once
the hearing is opened, and I can give a brief
explanation on the ordinance.

CHAIRMAN KIRCHGASSER: Motion to open the
hearing.

MR. READ: So move.

CHAIRMAN KIRCHGASSER: Thank you, Mr.
Read. Do we have a second?

MR. SHROPShIRE: Second.

CHAIRMAN KIRCHGASSER: Thank you, Mr.
Shropshire. All those in favor. Ms. Bell.

MS. BELL: Aye.

CHAIRMAN KIRCHGASSER: Mr. Shropshire.

MR. SHROPShIRE: Aye.

CHAIRMAN KIRCHGASSER: Mr. Byrne.

MR. BYRNE: Aye.

LORRAINE EVANS
CHAIRMAN KIRCHGASSER: Mr. Read.

MR. READ: Aye.

CHAIRMAN KIRCHGASSER: Ms. Powell.

MS. POWELL: Aye.

CHAIRMAN KIRCHGASSER: I vote aye as well.

We open the meeting, or the hearing.

Mr. McKenna, you have some articles you would like to introduce here?

MR. McKENNA: Thank you, Mr. Chairman.

Yes, briefly, I have a few board exhibits, township exhibits, for the hearing this evening. Exhibit T-1 is the Proof of Publication of the notice that ran in the paper on June 26 and July 3rd. Exhibit T-2 are the Planning Commission draft minutes of June 9, 2020 showing this ordinance was approved and reviewed by your Planning Commission and Exhibit T-3 is the County Planning Commission's review dated June 19, 2020, also evidencing their review of this ordinance.

CHAIRMAN KIRCHGASSER: Anything he would to add, Mr. McKenna?

MR. McKENNA: No.

CHAIRMAN KIRCHGASSER: Any other comments?

LORRAINE EVANS
Meredith?

MS. MERLINO: Sure, thank you. Just briefly, I can give you an overview of the contents of the ordinance and how it came about. It was initially a request of Council to have staff look at a reduction in the overall density of future subdivisions, as well as improving access in the safety considerations.

There were a number of subdivisions that have been approved by right over the years that contained several interior lots on longer common private driveways and it presents potential issues for emergency access as well as neighbor issues for parking overflow.

So the amendment deletes the existing Section 275-195D which regulates common driveways that serve multiple interior lots and the new content of the ordinance regulates flag lots and interior lots and how they can be created.

The highlights are that one flag lot and one interior lot can be created per parent tract, and this can only be done in the R-1 and

LORRAINE EVANS
R-1A zoning districts.

This ordinance was initially introduced in February. And after some thought it was -- there were some additions that were made to the draft. That created a distinction between new interior lots that would be created after the adoption of this ordinance. And existing interior lots which were those that were approved and recorded prior to the adoption of this ordinance.

There are several existing undeveloped lots within the township that, under the proposed code amendments, would lose the ability to be developed by right, primarily due to access restrictions.

So the amendments in the second draft essentially preserve the right or the ability to develop those lots under the code requirements that were in effect prior to the adoption of this ordinance.

CHAIRMAN KIRCHGASSER: But it would preclude any future subdivision of those interior lots for having a right and it would come in front of Council instead of having a by

LORRAINE EVANS
right it would come in front of Council for
approval.

MS. MERLINO: That's right.

CHAIRMAN KIRCHGASSER: Very clear. Thank
you, Ms. Merino. Any questions from members of
Council in this matter? Any other comments
while we are in hearing? And questions from
the public on this matter in hearing? Okay,
seeing none and hearing none, may I have a
motion to close the hearing?

MR. BYRNE: So move.

CHAIRMAN KIRCHGASSER: Thank you, Mr.
Byrne. May I have a second?

MR. READ: Second.

CHAIRMAN KIRCHGASSER: All those in favor.

Ms. Bell.

MS. BELL: Aye.

CHAIRMAN KIRCHGASSER: Mr. Shropshire.

MR. SHROPSHIRE: Aye.

CHAIRMAN KIRCHGASSER: Mr. Byrne.

MR. BYRNE: Aye.

CHAIRMAN KIRCHGASSER: Mr. Read.

MR. READ: Aye.

CHAIRMAN KIRCHGASSER: Ms. Powell.

LORRAINE EVANS
MS. POWELL: Aye.

CHAIRMAN KIRCHGASSER: And I vote aye as well. The hearing is closed. May we have a motion to approve?

MS. BELL: So move.

CHAIRMAN KIRCHGASSER: Meredith, are we moving this to a vote then?

MS. MERLINO: Yes.

CHAIRMAN KIRCHGASSER: Motion from Ms. Bell. May I have a second?

MR. READ: Second.

CHAIRMAN KIRCHGASSER: From Mr. Read.

Thank you. All in favor. Ms. Bell.

MS. BELL: Aye.

CHAIRMAN KIRCHGASSER: Mr. Shropshire.

MR. SHROPSHIRE: Aye.

CHAIRMAN KIRCHGASSER: Mr. Byrne.

MR. BYRNE: Aye.

CHAIRMAN KIRCHGASSER: Mr. Read.

MR. READ: Aye.

CHAIRMAN KIRCHGASSER: Ms. Powell.

MS. POWELL: Aye.

CHAIRMAN KIRCHGASSER: And I vote aye as well. Motion carries.

LORRAINE EVANS
(Whereupon, the hearing is concluded at 7:30 p.m.)

LORRAINE EVANS
REPORTER'S CERTIFICATION

I HEREBY CERTIFY that I was present upon the hearing of the above-entitled matter and there reported stenographically the proceedings had and the testimony produced; and I further certify that the foregoing is a true and correct transcript of my said stenographic notes.

[Signature]

Lorraine Evans
Reporter-Notary Public
My Commission Expires
October 25, 2022

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

LORRAINE EVANS
Middletown Township
Engineer’s Report
September 14, 2020
Council Meeting

MARINER 2 PIPELINE

Drilling of the 20-inch pipeline (Drill #591) began in early October 2019, but is presently on hold until geologic investigation of Valley Road (in relation to four subsidence in the area) has been reviewed by the PADEP/PUC and the drilling process is approved by PADEP/PUC to move forward. Geophysics work required by PADEP/PUC for drill #591 is complete. The pilot hole for 20-inch pipeline, which was approximately 90% complete was grouted closed on both ends and plugged with foam. Geophysical study information has been reviewed by the Township’s Geophysics/Geology consultant, Applied Geosciences and Engineering (AG&E), and found to be satisfactory. A monitoring plan has been agreed upon by ETP and AG&E and is presently being implemented. Groundwater monitoring wells have been installed, and survey monument grid is in the process of being completed. Baseline readings of the various monitoring devices are in process. The purpose of this plan is to monitor the entry point of the 20-inch HDD for earth features and will include both geophysical studies, surface elevation monitoring, and ground water monitoring, on a continuous basis, before, during and for a period of time after completion of the HDD. This monitoring plan will permit early detection of potential earth features, should they arise. The monitoring program and baseline testing will be completed and results submitted to the Township (for review) prior to drilling re-starting at this location. In addition, metal casing has been installed to reduce the possibility of inadvertent returns at the entry point as well as earth features (subsidence). Anticipated date of re-start of this drilling operation is unknown.

Major modification of NPDES and other PADEP Permits for #620 Section of Pipeline is under review by PADEP and has been determined “administratively complete” but technical review of the submission has identified technical deficiencies that have to be addressed by Sunoco/ETP. Estimated approval date for major modification is unknown. Amended Grading and Excavating Permit is required from Middletown Township for the Drill #620 Major Modification work prior to commencement of construction of this portion of the pipeline (both 16-inch and 20-inch). Verizon will be replacing utility poles in the pipeline right-of-way to the rear of the homes on War Trophy Lane in the next 1 to 2 weeks.
20-Inch diameter Drill #631 (Gun Club) - The installation of the 20-inch pipeline via direction drilling, which is in the reaming phase, is being completed from both sides (intersect drill) and is approximately 92% complete. Metal casing is being utilized to reduce the possibility of inadvertent returns and ground subsidence. Sunoco/ETP has advised that they desire to complete the pull-back of the pipe around the third week in September (earlier than prior estimates of mid-October). A formal request for 24/7-hour operation to complete pipe pull-back will be made to the Township in the near future.

Sunoco/ETP has advised that physical pipe work in Edgemont Township and Thornbury Township is complete and that hydrotesting will be completed in 1 to 2 weeks. Water tankers will be used to fill the pipe for testing and this will be done from Sleighton Park right-of-way, at the end of the pipe being tested.

Blasting on Franklin Mint property is ongoing and no issues reported thus far. Blasting has been approved by PADEP and Sunoco and it is our understanding that representatives from Sunoco are present during blasting.

This office has updated the overall project status report and exhibits, which we typically do on a quarterly basis (approximately). These exhibits graphically depict all work that is complete, partially complete, temporarily restored or incomplete, including stormwater controls, permanent stabilization, landscape plantings, and approximate pipe installations, including directional drills and bores. Engineering certifications have been received for all permanent stormwater controls proposed with this project for compliance with Township Code Chapter 198, Stormwater Management. Although controls include both structural (e.g. surface or underground basins) and non-structural improvements (e.g. plantings, amended soils, brush seeding), controls are predominantly non-structural due to the linear nature of the work. Underground infiltration basin was recently completed near the west side of Valley Road, approximately 1/8th of a mile north of W. Forge Road.

**PIPELINE MAINTENANCE PROJECTS**

Sunoco Pipeline LP (SPLP) - Cathodic Protection – This project flanks W. Knowlton Road and is approximately 2.2 acres of ground disturbance, extending over a length of approximately 3,300 feet. Permit applications have been received for review but recommendation for permit approval has not yet been made.
Sunoco Pipeline LP (SPLP) – Wawa Upgrade – Cathodic Protection - Darlington and Valley Road area. A permit has been granted by the Township but the work is on hold until private party easement has been verified.

Sunoco Pipeline LP (SPLP) – Riddlewood CP System - Cathodic Protection – Riddlewood Drive and Pennell Road Area. Permit applications have been received for review but recommendation for permit approval has not yet been made.

Sunoco Pipeline LP (SPLP) – Linvilla Orchards Washout – This project was recommended for and granted permit in 2018, but work was never started and a new permit application is now under review and permit recommendation is anticipated on or around September 11, 2020. The applicant desires to commence work in the very near future and a pre-construction meeting between the Township and ETP is schedule for September 14, 2020. Work consists of the replacement of approximately 1,200 feet of 12” pipeline on the Linvilla Orchard property.

SEPTA R3-2

Construction activity is ongoing from near Elwyn Station to just north of the right-of-way intersection with Rt. 1. Work includes the replacement or rehabilitation of numerous stormwater culverts, replacement of bridges, installation of new bridges, widening and repaving of tracks, roadway improvements, and stormwater management facilities installation.

SEPTA R3-3

A Grading and Excavation Permit has been issued to SEPTA for grading work associated with the R3-3 Land Development, specifically including the parking garage, driveway and station building. None of the work contemplated with the R3-3 Land Development related to the Lenni welfare building site has begun. None of the structures or buildings associated with the land development (including Lenni welfare building, Wawa Station Building and Parking Garage) are approved to begin construction as the land development plan is not yet recorded.

TOWNSHIP GUIDERAIL PROGRAM

The guiderail program is for the installation and/or replacement of guiderail along the following 6 segments of Township roadway (including the segments associated with the recently completed 2019 contract): Howarth Road, E.
Knowlton Road (North), E. Knowlton Road (South), Darlington Road (East), Darlington Road (West) and Valley Road.

- Maintenance bond for the 2019 Guiderail program expires September 17, 2020. Contract was for installation of approximately 2,000 LF of metal guiderail (Howarth Road, E. Knowlton Road (North) and Darlington Road (East)).

- Preliminary design plan is complete for E. Knowlton Road (South), Darlington Road (West) and Valley Road. Bid letting for this work has not yet been scheduled and is now projected for 2021. Significant utility pole relocation and tree removal is required for these projects.

- The Township has applied for an A.R.L.E. grant for the completion of guiderail projects in 2021. A.R.L.E. is the Automated Red Light Enforcement Transportation Enhancements Grant Program established in 2010 as a PennDOT-administered competitive grant program in accordance with PA Vehicle Code (75 Pa.C.S.) §3116(l)(2) and §3117(m)(2). Funding for the program is generated from the net revenue of fines collected through Automated Red Light Enforcement Systems. The Township’s grant application was accepted in June 2020. Grant applications are accepted annually during the month of June.

**TOWNSHIP CODE AMENDMENTS**

- The following Codes are in the process of being amended prior to the end of 2021: Chapter 186 (Soil Erosion and Sedimentation Control), Chapter 204 (Streets and Sidewalks), Chapter 210 (Subdivision and Land Development) and Township Standards (construction standards, details and specifications).

- Chapter 198 (Stormwater Management Ordinance) – Amended Ordinance was adopted by Council and went into effect starting on January 9, 2020.

- Preparation of Draft revisions to Chapter 186 (Soil Erosion and Sedimentation Control), has been completed and distributed to Township review committee. The document is in the process of being reviewed by Township Staff and consultants.

- Preparation of a new Township Code, Chapter 77 (Building Permit Procedures) is continuing. Chapter 77 is intended to establish requirements and procedures for obtaining building permits and requirements for approval of Certificates of Occupancy for occupiable structures.
“Township Standards and Specifications” has been reviewed by Township Staff and revisions to the document, as well as various Township application forms, is in process. This document is to formally update/upgrade and replace numerous construction details and policy documents utilized by the Township over the last many years. It is anticipated that upon review by Township staff, this document will be presented to Council for adoption. This document can (and should) be updated periodically to include additional construction details, guidance documents, forms, etc. if they become necessary.

**STORM SEWER REPAIR – 12 GLEN RIDDLE ROAD**  
**MT100-M**

- Replacement of severely deteriorating storm sewer traversing the private property of #12 Glen Riddle Road (through a Township easement) is complete, with the exception of the driveway paving restoration (overlay) which is supposed to be completed in September after at east 90 days has elapsed (from start of pipe construction) to allow for normal settlement of pipe trenches. A quotation for this work will be solicited in September and it is desired that work begin late-September 2020. The estimated amount to complete this project is $8,500.00. The Township is waiting on the resident to complete private property improvements (unrelated to the pipe repairs) before final paving is completed. It is possible that the paving work will be extended into the spring of 2021 if the property owner does not complete their work prior to closing of the paving season.

**ROOSEVELT SCHOOL**  
**MT100-O**

- The Township has completed survey of the entire school property.
- Handicapped accessible ramp near the entrance to the school site was completed in June 2020.
- Design of additional parking (within the island at the entrance of the property) and related stormwater management facilities is 90% complete. The proposed modification will result in the addition of 10 parking spaces, which will include two handicapped accessible spaces. The design will preserve the large tree at the entrance to the site.

**SUNNY BRAE STORMWATER BASIN REVITALIZATION**  
**MT100-K**

- Awarded Mariner East 2 Pipeline Corridor Grant Funds ($198,472.00).
The Township has submitted a PA DCED Flood Mitigation Program Grant application for $275,000.00 and is awaiting review of the application by the State.

- Basin area is located on land owned by the Township to the rear of #38 Gallant Fox Drive.
- Draft construction plan of the basin revitalization is complete and has been reviewed with Township Staff.
- Temporary construction easement plans are being prepared and will be the basis of acquiring permission from three property owners to complete the project. The Township has begun negotiating with property owners for access to adjoining properties to complete the work and approval of scope of work on each impacted property.
- This project has been delayed due to COVID-19. It is desired to commence construction in early 2021.
- The Township Landscape Architect, Thomas Comitta Associates, has completed a basin planting and seeding plan.
- This basin revitalization work will be submitted to PADEP as a means to reduce sediment (PRP - Pollutant Reduction Plan) in conjunction with the NPDES Permit for the Township’s MS4 (permit term from 2018 to 2023). The basin revitalization work will address approximately 90% of the Township sediment reduction requirement within the Chrome Run watershed, for the 5-year term of the PRP approval. It is our understanding the Township has 5 years from the date of PRP approval (February 7, 2020) to complete stormwater improvement identified in the plan, including survey, engineering, and construction.

**SMEDLEY PARK**

- Contract for completion of Stage 2 and Stage 3 of the project has been awarded to MECO Constructors in the amount of $1,365,151.00. Notice to Proceed was issued for work to begin and must be complete by December 2, 2020. Stage 2 work that has now begun, includes the bulk field and parking lot grading work and Stage 3 work (that was awarded) includes the installation of parking lots, driveways and trails. Alternate Bid items for baseball/softball infields was not awarded. Work is approximately 60% complete.
- PECO will be relocating electric service along the frontage of the park along Rose Tree Road, on Monday September 14, 2020, which will require a power outage. Letters have been sent by PECO to property owners and the Township is making Roosevelt Community Center available for residents needing
internet service (or other needs) for remotely learning during the 4 to 6-hour power outage.

- A final construction phase is anticipated for 2021 and must include the following work: conversion of sediment trap nos. 1, 2, 3, 4 and 5 to permanent stormwater basin condition, installation of approximately 800 feet of pedestrian trail (that could not be completed with the current stages of construction), installation of softball infield areas, and removal of all erosion and sedimentation controls. The Township has applied for a grant (in the amount of $250,000.00) to partially fund completion of the project.

- The NPDES Permit for the Park project expires on December 19, 2022. PennDOT Highway Occupancy Permits have been extended to September 2021 and will be extended yearly as needed.

**2018 CDBG – E. OLD BALTIMORE PIKE**  
**MT102-18**

- Work, which is now complete, is the repair and paving overlay of E. Old Baltimore Pike from the Rt. 1 on-ramp to School Lane (approximately 2,200 LF or roadway), including paving base repair, repair of concrete pavement, restoration of road crown, concrete curb, milling, asphalt overlay, signage and pavement striping.

- Improvements were completed under a Delaware County 2018 Community Development Block Grant in the amount of $156,468.00. Township contribution - $63,045.00.

- This office has recommended first payment to the Contractor, Innovative Construction Services in the amount of 90% of the completed work. Minor punchlist work is nearly complete.

**MS4 NPDES PERMIT/POLLUTANT REDUCTION PLAN**  
**MT300-18**

Pollutant Reduction Plan (PRP) for the PADEP NPDES Permit term of 2018-2023 was submitted to PADEP on December 4, 2019 and final approval of the PRP was issued on February 7, 2020. Although the NPDES permit term is 2018 to 2023, the Township has 5 years (from the date of PRP approval) to complete installation of all stormwater BMPs described in the PRP. It is anticipated that Sunny Brae Basin revitalization will be the first stormwater BMP from the PRP, to be completed (in 2021). The Township has submitted a PA DCED Watershed Restoration and Protection Program Grant application for $296,905.00 for construction of Stormwater BMPs in Township open space north of Highpoint Drive and south of the Franklin Mint, and is awaiting review of the application by the State. If approved, this project could be completed in late 2021 or early 2022.
FORGE ROAD/HANSON QUARRY PAVING REPAIRS  MT105-B

➢ Temporary repairs made to Forge Road in front of Hanson Quarry in late 2018. Material for the repair was donated by the quarry. Repairs appear to be holding up well.

➢ Field information has been collected in order to prepare a permanent paving repair design including underdrain to mitigate wet conditions contributing to paving deterioration.

➢ Hanson Quarry has informally agreed to participate in permanent paving repairs contemplated in front of the Quarry entrance.

➢ Schedule for completion of permanent repairs has not been determined at this time since the temporary repair completed late last year continues to withstand truck traffic.

MIDDLETOWN TOWNSHIP ROAD PROGRAM  MT105-20

➢ Work associated with the 2020 Road Program (paving, milling, pavement repair) is largely complete, with the exception of minor punchlist work which is presently in the process of being completed. The low bidder was A.F. Damon and the bid received was approximately 40% less than the budget estimate based on the 2019 Road Program unit prices. Accordingly, the scope of work was expanded to take advantage of excellent unit prices received by the Township. The amount of the 2020 Road Program is $235,913.50 (liquid fuels portion of the contract). The amount of additional paving work approved by the Township due to excellent pricing is $309,183.90 (aka Phase 2 – Township funds will be utilized for this portion of the work).

SUBDIVISIONS/LAND DEVELOPMENTS  MT305 SERIES

➢ Riddle Hospital Expansion land development plan has been submitted and reviewed by Township staff/consultants and the final plan was approved by the Middletown Township Planning Commission on December 10, 2019. The applicant appeared before Council on December 9, 2019 and was granted waiver of the preliminary plan approval requirements. The applicant obtained conditional final approval from Council on February 10, 2020. A Gracing and Excavating Permit has been approved by the Township for utility relocation at the site. The land development plan has not yet been recorded, but it is anticipated the plan will be recorded in the near future, after which construction of the building will commence (upon approval of building permits).
SEPTA R3-3 Land Development Plan has been submitted and reviewed by Township staff/consultants and has been given final approval by Middletown Township Planning Commission and Council. Zoning variance required for the project were approved in August 2019 by the Zoning Hearing Board. It is anticipated that land development plan will be recorded in the near future, with construction of station building and parking garage commencing soon thereafter, upon approval of building permits.

Artis Senior Living Land Development – The final plan, conditional use and zoning map/text amendments have been approved by Council. Anticipated commencement of construction is late-2020. The land development plan has not yet been recorded, but it is our understanding that an updated submission will be delivered to the Township next week.

227 Howarth Road Subdivision and Land Development (Mancil Builders) – Conditional final approval granted by Council. Plan has been recorded and construction has commenced.

Guss Subdivision (Howarth Road) – Conditional final approval granted by Council. Plan has been recorded but construction has not yet commenced.

Promenade at Granite Run Land Development - Amended final approval has been granted by Council and recordation of the plan is complete. Construction pursuant to the approved (and recorded) final plan is on-going.

Darlington Pointe II Subdivision - Conditional final approval granted by Council. Plan has been recorded and construction has commenced.

312 Lenni Road Subdivision - Conditional preliminary approval granted by Council. Final Plan has just been received by the Township for review.

33 N. Middletown Road Subdivision (Convery) - Conditional final approval granted by Council. Plan has not yet been recorded.

Penncrest High School Life Skills Center and Parking Lot Subdivision and Land Development – Conditional final approval has been granted by the Township Planning Commission and Council. The plan has not yet been recorded.

345 Valley Road Subdivision – Conditional final approval has been granted by the Township Planning Commission and Council. The Subdivision plan has not yet been recorded.
Glenwood Elementary School Parking Lot – Plan has been reviewed by Township staff and was recommended for final approval by the Planning Commission on May 12, 2020 and granted conditional final approval by Township Council in June 2020. The plan is in the process of being recorded and it is our understanding that construction may commence during the summer of 2020.

Westlake Lot Line Change – Plan has been reviewed by Township staff and was recommended for approval by the Township Planning Commission on March 10, 2020. The plan was granted conditional final approval by Township Council on July 13, 2020. The plan has not yet been recorded.

Congregation Beth Yeshua Land Development – Plan has been recommended for final approval by the Planning Commission and granted conditional final plan approval by Township Council. It is our understanding the applicant desires to being construction in the near future and has obtained PennDOT Highway Occupancy Permit. Review comments on a revised plan submission were forwarded to the applicant’s engineer in late July 2020.
TOWNSHIP OF MIDDLETOWN
DELAWARE COUNTY, PENNSYLVANIA

ORDINANCE NO. 819

AN ORDINANCE GRANTING MIDDLETOWN TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AUTHORITY TO PURCHASE AN EASEMENT FOR CONSTRUCTING, USING, MAINTAINING AND SECURING A MULTI-PURPOSE PAVED TRAIL FOR RECREATIONAL USE BY THE GENERAL PUBLIC ON A PROPERTY IDENTIFIED AS DELAWARE COUNTY FOLIO NO. 27-00-01179-00 IN MIDDLETOWN TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA.

The Council of the Township of Middletown, Delaware County, Pennsylvania, hereby ENACTS and ORDAINS as follows:

Section 1.

Pursuant to Section 212.H of the Home Rule Charter, the Council of the Township of Middletown hereby authorizes Middletown Township to purchase an easement for constructing, using, maintaining and securing a multi-purpose paved trail for recreational use by the general public on part of a property located partially in Chester Heights Borough, and partly in Middletown Township identified as Delaware County Folio No. 27-00-01179-00 (the “Easement”) subject to terms and conditions satisfactory to the Owner of the Property and Middletown Township. The area of the Easement is shown on Exhibit “A”, attached hereto and made a part hereof.

Section 2.

The Chairman of Township Council and the Township Manager are authorized to execute an Easement Agreement for the Easement and any other documents necessary for the Township to purchase the Easement.

Section 3.

This Ordinance shall be effective thirty-one (31) days after its enactment.

ENACTED AND ORDAINED by the Council of Middletown Township, Delaware County, Pennsylvania, this day of 2020 at a regularly scheduled public meeting.

ATTEST: TOWNSHIP OF MIDDLETOWN COUNCIL

John McMullan
Township Manager

Mark Kirchgasser
Chairman of Council
EASEMENT DISPLAY
FOR LANDS KNOWN AS
T.P. # 27-00-011.79-00

REVISIONS:

CENTURY ENGINEERING, INC.
CONSULTING ENGINEERS - PLANNERS
300 BAY ROAD
DOVER, DELAWARE 19901
PHONE: (302) 734-9188
FAX: (302) 734-4589

DEIGNED BY: DRAWN BY: DATE: SCALE: 1" = 50'

DRAWING NAME:
C:\Projects\1803010-00 Middletown Township (PA)\CAD\Files\Displays\Exhibit\101_LeniorRoad.jpg
MIDDLETOWN TOWNSHIP DELAWARE COUNTY
PENNSYLVANIA

ORDINANCE 827

TO BE ARBITRAGE BONDS UNDER FEDERAL TAX LAW PROVISIONS; MAKING CERTAIN REPRESENTATIONS; PROVIDING FOR REIMBURSEMENT OF THE TOWNSHIP; APPROVING THE CONTENT AND FORM OF A PRELIMINARY OFFICIAL STATEMENT AND AUTHORIZING THE DISTRIBUTION THEREOF AND AUTHORIZING THE PREPARATION, EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT AND THE UNDERTAKING OF CERTAIN CONTINUING DISCLOSURE; APPOINTING BOND COUNSEL, THE FINANCIAL ADVISOR AND THE UNDERWRITER FOR THE BONDS; PROVIDING FOR MUNICIPAL BOND INSURANCE, IF DEEMED DESIRABLE; AUTHORIZING AND DIRECTING THE PROPER OFFICERS OF THE TOWNSHIP TO DO ALL THINGS NECESSARY TO CARRY OUT THE ORDINANCE; AUTHORIZING AND DIRECTING THE PROPER OFFICERS OF THE TOWNSHIP TO PAY ISSUANCE COSTS; REPEALING ALL INCONSISTENT ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND STATING THE EFFECTIVE DATE.

The Township Council (the “Governing Body”) of Middletown Township, Delaware County, Pennsylvania (the “Township”), pursuant to the Pennsylvania Local Government Unit Debt Act, 53 Pa. Cons. Stat. §8001 et seq., as amended (the “Act”) hereby ORDAINS AND ENACTS as follows:

Section 1. Incurrence of Debt; Amount and Purpose of Bonds; Realistic Cost Estimates; Other Capital Projects Upon Amendment; Estimated Project Completion Date.

The Governing Body of the Township hereby authorizes and directs the incurring of debt, $6,500,000 of which will be non-electoral and $8,000,000 of which will be electoral debt, through the issuance of General Obligation Bonds, Series of 2020 (the “Bonds”) of the Township in the maximum aggregate principal amount of Fourteen Million Five Hundred Thousand Dollars ($14,500,000.00) to provide funds to finance the costs of (i) the purchase and development of 80.992 acres of land situated on the northwest corner of Forge Road and Valley Road for recreational purposes and to preserve open space; (ii) the development of Smedley Park situated near Rose Tree and Middletown Roads for recreational purposes; (iii) the continued renovation of the west wing of the vacant former Roosevelt Elementary School for use as a township community center which will include the Middletown Free Library and other Township uses; and (iv) issuing the Bonds, or any or all of the same as determined by the Chairman or Vice Chairman of the Governing Body upon the advice of the Township’s Financial Advisor (collectively, the “Project”). The Bonds will be general obligation bonds of the Township.

Realistic cost estimates have been obtained by the Township for the Project through estimates made by qualified persons, as required by Section 8006 of the Act.

The Township hereby reserves the right to undertake components of the Project in such order and at such time or times as it shall determine and to allocate the proceeds of the Bonds and other available moneys to the final costs of the Project in such amounts and order of priority as it shall determine; but the proceeds of the Bonds shall be used solely to pay the “costs”, as defined in the Act, of the Project described herein. The Township determines to combine the various components of the Project for financing purposes.
The estimated completion date for the Project is October 1, 2023.

**Section 2. Realistic Estimated Useful Life.**

The realistic estimated weighted average useful life of the Project is determined to be in excess of thirty (30) years.

**Section 3. Debt Statement and Borrowing Base Certificate.**

The Chairman or Vice Chairman of the Governing Body and the Secretary or Assistant Secretary of the Township or any one of them, and/or any other duly authorized or appointed officer of the Township, are hereby authorized and directed to prepare and certify a debt statement required by Section 8110 of the Act and a Borrowing Base Certificate.

**Section 4. Covenant to Pay Bonds.**

It is covenanted with the registered owners from time to time of the Bonds that the Township shall (i) include the amount of the debt service for the Bonds for each fiscal year in which the sums are payable in its budget for that year; (ii) appropriate those amounts from its general revenues for the payment of the debt service; and (iii) duly and punctually pay, or cause to be paid, from its sinking fund or any other of its revenues or funds the principal of, and the interest on, the Bonds at the dates and places and in the manner stated in the Bonds according to the true intent and meaning thereof. For such budgeting, appropriation and payment, the Township pledges its full faith, credit and taxing power. As provided by the Act, this covenant shall be specifically enforceable. Nothing in this Section shall be construed to give the Township any taxing power not granted by another provision of law.

**Section 5. Description of Bonds; Maturity Schedule; Redemption of Bonds; Notice of Redemption.**

For purposes of this Section 5, the following defined terms have the meaning stated below:

“DTC” means The Depository Trust Company, New York, New York, the securities depository for the Bonds, and its successors.

“Representation Letter” means the Blanket Letter of Representations, together with DTC’s Operational Arrangements referred to therein, as amended from time to time, of the Township on file with DTC and incorporated herein by reference.

A. **Amount and Terms of Bonds; Redemption Provisions.** The Bonds up to the stated aggregate principal amount may be issued in one or more series or subseries. The Bonds shall be in fully registered form without coupons, shall be numbered, shall be in the denomination of Five Thousand Dollars ($5,000) or any integral multiple thereof, shall be dated the date of their delivery or such other date established for interest to begin accruing on the Bonds (the “Series Issuance Date”) and shall bear interest from the dates, which interest is payable at the rates provided herein, until maturity or prior redemption, all as set forth in the form of Bond attached hereto as Exhibit A and made a part hereof.

The Bonds shall bear interest, until maturity or prior redemption, at the rates per annum, and shall mature in the amounts and on October 1 of certain years, all as set forth in the
maturity schedule attached hereto as Exhibit B and made a part hereof. The Bonds may be subject to redemption prior to maturity as set forth in Exhibit B attached hereto. The stated maturities of the Bonds will be fixed in compliance with Section 8142(b)(2) of the Act.

The Paying Agent (as hereinafter defined) is hereby authorized and directed to, (i) select by lot the particular Bonds or portions thereof to be redeemed; and (ii) cause a notice of redemption to be given once by first-class United States mail, postage prepaid, or by another method of giving notice which is acceptable to the Paying Agent and customarily used by fiduciaries for similar notices at the time such notice is given, at least thirty (30) days prior to the redemption date, to each registered owner of Bonds to be redeemed. Such notice shall be mailed to the address of such registered owner appearing on the registration books of the Paying Agent, unless such notice is waived by the registered owner of the Bonds to be redeemed. Any such notice shall be given in the name of the Township, shall identify the Bonds to be redeemed, including CUSIP numbers, if applicable, which may, if appropriate, be expressed in designated blocks of numbers (and, in the case of partial redemption of any Bonds, the respective principal amounts thereof to be redeemed), shall specify the redemption date and the place where such Bonds are to be surrendered for payment, shall state the redemption price, and shall state that on the redemption date the Bonds called for redemption will be payable and from such redemption date interest will cease to accrue. Failure to give any notice of redemption or any defect in the notice or in the giving thereof to the registered owner of any Bond to be redeemed shall not affect the validity of the redemption as to other Bonds for which proper notice shall have been given. The costs incurred for such redemptions shall be paid by the Township.

For so long as DTC is effecting book-entry transfers of the Bonds, the Paying Agent shall provide the notices specified above only to DTC in accordance with its applicable time requirements. It is expected that DTC in turn will notify its Participants and that the Participants, in turn, will notify or cause to be notified the beneficial owners. Any failure on the part of DTC or a Participant, or failure on the part of a nominee of a beneficial owner of a Bond (having been mailed notice from the Paying Agent, a Participant or otherwise) to notify the beneficial owner of the Bond so affected, shall not affect the validity of the redemption of such Bond.

In addition to the notices described in the preceding paragraphs, further notice shall be given by the Paying Agent as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed above.

(i) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption, plus (A) the date of issue of the Bonds as originally issued; (B) the rate of interest borne by each Bond being redeemed; (C) the maturity date of each Bond being redeemed; and (D) any other descriptive information needed to identify accurately the Bonds being redeemed.

(ii) Each further notice of redemption shall be sent at least twenty-five (25) days before the redemption date to the Municipal Securities Rulemaking Board’s Electronic Municipal Market Access (“EMMA”) System, and to other information repositories approved from time to time by the United States Securities and Exchange Commission.

(iii) Such further notice, if deemed to be necessary or desirable by the Township and the Paying Agent, may also be mailed by first class United States mail, postage prepaid, to
(iv) Upon the payment of the redemption price of Bonds being redeemed, each check or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such check or other transfer.

The notices required to be given by this Section shall state that no representation is made as to the correctness or accuracy of CUSIP numbers listed in such notice or stated on the Bonds.

If at the time of the mailing of any notice of optional redemption the Township shall not have deposited with the Paying Agent moneys sufficient to redeem all the Bonds called for redemption, such notice shall state that it is conditional, that is, subject to the deposit or transfer of the redemption moneys with the Paying Agent not later than the opening of business on the redemption date, and that such notice shall be of no effect unless such moneys are so deposited.

B. Book-Entry Only System. Notwithstanding the foregoing provisions of this Section 5, so long as the Bonds are in book-entry form, the following provisions will apply:

(i) The Bonds, upon original issuance, will be issued in the form of a single, fully registered bond for each maturity in the denomination equal to the principal amount of Bonds maturing on each such date and will be deposited with DTC. Each such Bond will initially be registered to Cede & Co., the nominee for DTC, or such other name as may be requested by an authorized representative of DTC, and no beneficial owner will receive certificates representing their respective interests in the Bonds, except in the event that the use of the book-entry system for the Bonds is discontinued. It is anticipated that during the term of the Bonds, DTC will make book-entry transfers among its Participants and receive and transmit payment of principal and premium, if any, and interest on, the Bonds to the Participants until and unless the Paying Agent authenticates and delivers Replacement Bonds to the beneficial owners as described in subsection (vi).

(ii) The execution and delivery by the Township of the Representation Letter shall not in any way create, expand or limit any undertaking or arrangement contemplated or provided for herein in respect of DTC or the book-entry registration, payment and notification system or in any other way impose upon the Township or the Paying Agent any obligation whatsoever with respect to beneficial owners having interests in the Bonds, any such obligation extending solely to DTC, as sole bondholder, as shown on the registration books kept by the Paying Agent. The Paying Agent shall take all action necessary for all representations of the Township in the Representation Letter with respect to the Paying Agent to be complied with at all times.

(iii) So long as the Bonds or any portion thereof are registered in the name of Cede & Co., or such other DTC nominee, all payments of principal, premium, if any, or redemption price of, and interest on, the Bonds shall be made to DTC or its nominee in accordance with the Representation Letter on the dates provided for such payments under this Ordinance. All payments made by the Paying Agent to DTC or its nominee shall fully satisfy the Township’s obligations to pay principal, premium, if any, and interest, on the Bonds to the extent of such payments, and no beneficial owner of any Bond registered in the name of Cede & Co., or such other DTC nominee, shall have any recourse against the Township or the Paying Agent hereunder for any failure by...
DTC or its nominee or any Participant therein to remit such payments to the beneficial owners of such Bonds.

(iv) If all or fewer than all Bonds of a maturity are to be redeemed, the Paying Agent shall notify DTC within the time periods required by the Representation Letter. If fewer than all Bonds of a maturity are to be redeemed, DTC shall determine by lot the amount of the interest of each Participant in the maturity of Bonds to be redeemed. In the event of the redemption of less than all of the Bonds outstanding, the Paying Agent shall not require surrender by DTC or its nominee of the Bonds so redeemed, but DTC (or its nominee) may retain such Bonds and make an appropriate notation on the Bond certificate as to the amount of such partial redemption; provided that, in each case the Paying Agent shall request, and DTC shall deliver to the Paying Agent, a written confirmation of such partial redemption and thereafter the records maintained by the Paying Agent shall be conclusive as to the amount of the Bonds of such maturity which have been redeemed.

(v) In the event DTC resigns or is no longer qualified to act as a securities depository and registered clearing agency under the Securities Exchange Act of 1934, as amended, the Township may appoint a successor securities depository provided the Paying Agent receives written evidence satisfactory to the Paying Agent with respect to the ability of the successor securities depository to discharge its responsibilities. Any such successor securities depository shall be a registered clearing agency under the Securities Exchange Act of 1934, as amended, or other applicable statute or regulation that operates a securities depository upon reasonable and customary terms. The Paying Agent upon its receipt of a Bond or Bonds for cancellation shall cause the delivery of Bonds to the successor securities depository in appropriate denominations and form as provided herein.

(vi) If DTC resigns and the Township is unable to locate a qualified successor of DTC in accordance with subsection (v), then the Paying Agent, based on information provided to it by DTC, shall notify the beneficial owners of the Bonds of the availability of certificates to beneficial owners of Bonds requesting the same, and the Paying Agent shall register in the name of and authenticate and deliver Bonds (the “Replacement Bonds”) to the beneficial owners or their nominees in principal amounts representing the interest of each, making such adjustments as it may find necessary or appropriate as to the date of such Replacement Bonds, accrued interest and previous calls for redemption. In such event, all references to DTC herein shall relate to the period of time when DTC or its nominee is the registered owner of at least one Bond. Upon the issuance of Replacement Bonds, all references herein to obligations imposed upon or to be performed by DTC shall be deemed to be imposed upon and performed by the Paying Agent, to the extent applicable with respect to such Replacement Bonds. The Paying Agent may rely on information from DTC and its Participants as to the names, addresses, taxpayer identification numbers of and principal amount held by the beneficial owners of the Bonds.

Section 6. Paying Agent, Sinking Fund Depository and Registrar; Payment of Principal and Interest Without Deduction for Taxes.

The proper officers of the Township are hereby authorized and directed to contract with The Bank of New York Mellon Trust Company, N.A., having corporate trust offices in Philadelphia, Pennsylvania, and West Paterson, New Jersey, or such other qualified paying agent as may be designated by the Chairman or Vice Chairman of the Governing Body for its services as sinking
fund depository, paying agent and registrar with respect to the Bonds and such Bank is hereby authorized to be appointed by such officer to act in such capacities with respect to the Bonds.

The principal or redemption price of the Bonds shall be payable upon surrender thereof when due in lawful money of the United States of America at the designated office of The Bank of New York Mellon Trust Company, N.A., or at the designated office of any additional or appointed alternate or successor paying agent or agents (the “Paying Agent”). Such payments shall be made to the registered owners of the Bonds so surrendered, as shown on the registration books of the Township on the date of payment. Interest on the Bonds shall be paid by check mailed to the registered owner of such Bond as shown on the registration books kept by the Paying Agent, as of the close of business on the fifteenth (15th) day of the calendar month (whether or not a business day) immediately preceding the interest payment date in question (the “Regular Record Date”), irrespective of any transfer or exchange of such Bond subsequent to such Regular Record Date and prior to such interest payment date. If the Township shall default in the payment of interest due on such interest payment date, such interest shall thereupon cease to be payable to the registered owners of the Bonds shown on the registration books as of the Regular Record Date. Whenever moneys thereafter become available for the payment of the defaulted interest, the Paying Agent on behalf of the Township shall immediately establish a “special interest payment date” for the payment of the defaulted interest and a “special record date” (which shall be a business day) for determining the registered owners of Bonds entitled to such payments; provided, however, that the special record date shall be at least ten (10) days but not more than fifteen (15) days prior to the special interest payment date. Notice of each date so established shall be mailed by the Paying Agent on behalf of the Township to each registered owner of a Bond at least ten (10) days prior to the special record date, but not more than thirty (30) days prior to the special interest payment date. The defaulted interest shall be paid on the special interest payment date by check mailed to the registered owners of the Bonds, as shown on the registration books kept by the Paying Agent as of the close of business on the special record date.

If the date for payment of the principal or redemption price of, and interest on, the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the Commonwealth of Pennsylvania or in each of the cities in which the corporate trust office or payment office of the Paying Agent are located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such date shall have the same force and effect as if made on the nominal date of payment.

The principal or redemption price of, and interest on, the Bonds are payable without deduction for any tax or taxes, except inheritance and estate taxes or any other taxes now or hereafter levied or assessed on the Bonds under any present or future laws of the Commonwealth of Pennsylvania, all of which taxes, except as above provided, the Township assumes and agrees to pay.

Any corporation or association into which the Paying Agent, or any additional or appointed alternate or successor to it, may be merged or converted or with which it, or any additional or appointed alternate or successor to it, may be consolidated, or any corporation or association resulting from any merger, conversion or consolidation to which the Paying Agent shall be a party, or any corporation or association to which the Paying Agent, or any additional or appointed alternate or successor to it, sells or otherwise transfers all or substantially all of its corporate trust business shall be the successor paying agent hereunder, without the execution or
filing of any paper or any further act on the part of the parties hereto, anything herein to the contrary notwithstanding.

Section 7. Registration, Transfer and Exchange of Bonds.

The Township shall keep, at the corporate trust and/or payment office of the Paying Agent, as registrar, books for the registration, transfer and exchange of Bonds. The Governing Body hereby authorizes and directs the Paying Agent, as registrar and transfer agent, to keep such books and to make such transfers or exchanges on behalf of the Township.

The ownership of each Bond shall be recorded in the registration books of the Township, which shall contain such information as is necessary for the proper discharge of the Paying Agent’s duties hereunder as Paying Agent, registrar and transfer agent.

The Bonds may be transferred or exchanged as follows:

(a) Any Bond may be transferred if endorsed for such transfer by the registered owner thereof and surrendered by such owner or his duly appointed attorney or other legal representative at the designated office of the Paying Agent, whereupon the Paying Agent shall authenticate and deliver to the transferee a new Bond or Bonds of the same maturity and series designation and in the same denomination as the Bond surrendered for transfer or in different authorized denominations equal in the aggregate to the principal amount of the surrendered Bond.

(b) Bonds of a particular maturity may be exchanged for one or more Bonds of the same maturity and in the same principal amount, but in a different authorized denomination or denominations. Each Bond so to be exchanged shall be surrendered by the registered owner thereof or his duly appointed attorney or other legal representative at the designated office of the Paying Agent, whereupon a new Bond or Bonds shall be authenticated and delivered to the registered owner.

(c) In the case of any Bond properly surrendered for partial redemption, the Paying Agent shall authenticate and deliver a new Bond in exchange therefor, such new Bond to be of the same maturity and in a denomination equal to the unredeemed principal amount of the surrendered Bond; provided that, at its option, the Paying Agent may certify the amount and date of partial redemption upon the partial redemption certificate, if any, printed on the surrendered Bond and return such surrendered Bond to the registered owner in lieu of an exchange.

Except as provided in subparagraph (c) above, the Paying Agent shall not be required to effect any transfer or exchange during the fifteen (15) days immediately preceding the date of mailing of any notice of redemption or at any time following the mailing of any such notice, if the Bond to be transferred or exchanged has been called for such redemption. No charge shall be imposed in connection with any transfer or exchange except for taxes or governmental charges related thereto.

No transfers or exchanges shall be valid for any purposes hereunder except as provided above. New Bonds delivered upon any transfer or exchange of outstanding Bonds shall be valid general obligations of the Township, evidencing the same debt as the Bonds surrendered.

The Township and the Paying Agent may treat the registered owner of any Bond as the absolute owner thereof for all purposes, whether or not such Bond shall be overdue, and any notice to the contrary shall not be binding upon the Township or the Paying Agent.
Section 8. Execution, Delivery and Authentication of Bonds; Disposition of Proceeds.

The Bonds shall be executed by the manual or facsimile signature of the Chairman or Vice Chairman of the Governing Body and shall have the corporate seal of the Township or a facsimile thereof affixed, imprinted, lithographed or reproduced thereon, duly attested by the manual or facsimile signature of the Secretary or Assistant Secretary of the Township, and the said officers are hereby authorized and directed to execute the Bonds in such manner. In case any official of the Township whose manual or facsimile signature shall appear on the Bonds shall cease to be such official before the authentication of such Bonds such signature or the facsimile signature thereof shall nevertheless be valid and sufficient for all purposes the same as if such official had remained in office until authentication; and any Bond may be signed on behalf of the Township, even though at the date of authentication of such Bonds such person was not an official. The Chairman or Vice Chairman of the Governing Body is authorized and directed to deliver, or cause to be delivered, the Bonds to the purchasers thereof against the full balance of the purchase price therefor. The Bonds shall be authenticated by the Paying Agent.

The proceeds of the Bonds shall be deposited in a settlement fund which the Paying Agent shall create and shall be disbursed, transferred or deposited as directed in a closing receipt duly executed and delivered by an authorized officer of the Township on the date of issuance and delivery of the Bonds.

Section 9. Form of Bonds; CUSIP Numbers.

The form of the Bonds, paying agent’s authentication certificate and assignment shall be substantially as set forth in Exhibit A attached hereto. The Bonds shall be executed in substantially the form as set forth in Exhibit A hereto with such appropriate changes, additions or deletions as may be approved by the officers executing the Bonds in the manner provided in Section 8 hereof; such execution shall constitute approval by such officers on behalf of the Governing Body. The opinion of bond counsel is authorized and directed to be printed upon the Bonds.

The Township, pursuant to recommendations promulgated by the Committee on Uniform Security Identification Procedures (CUSIP) has caused CUSIP numbers to be printed on the Bonds. No representation is made as to the accuracy of said numbers either as printed on the Bonds or as contained in any notice of redemption, and the Township shall have no liability of any sort with respect thereto. Reliance upon any redemption notice with respect to the Bonds may be placed only on the identification numbers printed thereon.

Section 10. Temporary Bonds.

Until Bonds in definitive form are ready for delivery, the proper officers of the Governing Body may execute and, upon their request in writing, the Paying Agent shall authenticate and deliver in lieu of such Bonds in definitive form one or more printed or typewritten bonds in temporary form, substantially of the tenor of the Bonds hereinbefore described with appropriate omissions, variations and insertions, as may be required. Such bond or bonds in temporary form may be for the principal amount of Five Thousand Dollars ($5,000) or any whole multiple or multiples thereof, as such officers may determine. The aforesaid officers, without unnecessary delay, shall
prepare, execute and deliver Bonds in definitive form to the Paying Agent, and thereupon, upon presentation and surrender of the bond or bonds in temporary form, the Paying Agent shall authenticate and deliver, in exchange therefor, Bonds in definitive form in an authorized denomination of the same maturity for the same aggregate principal amount as the bond or bonds in temporary form surrendered. Such exchange shall be made by the Township at its own expense and without any charge therefor. When and as interest is paid upon bonds in temporary form without coupons, the fact of such payment shall be endorsed thereon. Until so exchanged, the temporary bond or bonds shall be in full force and effect according to their terms.

Section 11. Manner of Sale; Award of Bonds; Bid Price; Range of Interest Rates.

The Governing Body of the Township after due deliberation and investigation has found that a private sale by negotiation is in the best financial interest of the Township and based upon such finding the Governing Body of the Township hereby awards the Bonds at a private negotiated sale, to RBC Capital Markets (the “Underwriter”), upon the terms set forth in one or more bond purchase contracts, and any supplements or addenda thereto executed and delivered at the actual date of sale of the Bonds to the Underwriter (collectively, the “Purchase Contract”). The Purchase Contract provides that the Underwriter shall pay to the Township specified amounts at specified times and under conditions stated therein and the Township agrees to sell and deliver the Bonds to the Underwriter under the conditions set forth in such Purchase Contract.

Such details and conditions of the Purchase Contract are hereby approved; provided however, that the aggregate principal amount of the Bonds shall not exceed $14,500,000.00; the latest maturity date of the Bonds shall not be later than November 1, 2049; the annual principal maturity or mandatory redemption amounts shall not exceed the annual amounts thereof set forth in Exhibit B; the interest rate borne by any maturity of the Bonds shall not exceed 5.000% per annum; the purchase price for the Bonds, including underwriting discount and net original issue discount/premium, shall be not less than 95% or more than 130% of the aggregate principal amount plus interest accrued on the Bonds; and the underwriting discount on the Bonds shall not exceed eight and 00/100 dollars ($8.00) per bond. The Chairman or Vice Chairman of the Governing Body, Township Manager, or other designated Township official, is hereby authorized and directed to execute the Purchase Contract (subject, however, to compliance with the aforesaid limitations) in such form as the Township’s Counsel, Financial Advisor and Bond Counsel may advise evidencing the Township’s acceptance thereof, and deliver the same to the Underwriter.

Section 12. Sinking Fund; Appropriation of Annual Amounts for Payment of Debt Service.

There is hereby established a separate sinking fund for the Township designated as “Sinking Fund - Middletown Township General Obligation Bonds, Series of 2020” (the “Sinking Fund”) and into the Sinking Fund there shall be paid, when and as required, all moneys necessary to pay the debt service on the Bonds, and the Sinking Fund shall be applied exclusively to the payment of the interest covenanted to be paid upon the Bonds and to the principal thereof at maturity or prior redemption and to no other purpose whatsoever, except as may be authorized by law, until the same shall have been fully paid.

The not to exceed amounts set forth in Exhibit C attached hereto and made a part hereof, or such greater or lesser amount as at the time shall be sufficient to pay the principal of and
interest on the Bonds as they become due, shall be pledged in each of the fiscal years shown in Exhibit C to pay the debt service on the Bonds, and such amounts are annually hereby appropriated to the Sinking Fund for the payment thereof.


The Secretary or Assistant Secretary of the Township is hereby authorized and directed to certify to and file with the Pennsylvania Department of Community and Economic Development, in accordance with the Act, a complete and accurate copy of the proceedings taken in connection with the increase of debt authorized hereunder, including the debt statement and borrowing base certificate referred to hereinabove, to prepare and file any statements required by the Act which are necessary to qualify all or any portion of non-electoral or lease rental debt of the Township as self-liquidating or subsidized debt, and to pay the filing fees necessary in connection therewith.

Section 14. Tax Covenants, Representations and Designations.

So long as the Bonds are outstanding, the following covenants shall apply:

(a) General Covenants: The Township hereby covenants that:

(i) The Township will make no use of the proceeds of the Bonds during the term thereof which would cause such Bonds to be “arbitrage bonds” within the meaning of section 148 of the Internal Revenue Code of 1986, as amended (the “Code”) and that it will comply with the requirements of all Code sections necessary to ensure that the Bonds are described in Code section 103(a) and not described in Code section 103(b) throughout the term of the Bonds; and

(ii) If and to the extent the Township is required to remit any amounts to the United States pursuant to Code section 148(f) (the “Rebate Amounts”) in order to cause the Bonds not to be arbitrage bonds, the Township will remit such Rebate Amounts at such times and in the manner required by Code section 148(f) and the regulations thereunder. The obligation to remit the Rebate Amounts and to comply with all other requirements of this Section 14 shall survive the defeasance and payment in full of the Bonds.

(iii) The Township will make no use of the proceeds of the Bonds to make or finance loans to persons other than governmental units, nor will any proceeds of the Bonds be used in any trade or business carried out by any person other than a governmental unit or in any other manner which would cause the Bonds to become “private activity bonds” as defined in Code Section 141.

(b) Reimbursement. In accordance with Treasury Regulation §1.150-2, the Township hereby states its intention that a portion of the proceeds of the Bonds will be used to reimburse itself for expenditures for the Project originally paid prior to the date of issuance of the Bonds out of the Township’s general funds.

(c) Bank Qualified Bonds. In order to ensure that the registered owners of the Bonds, if they are financial institutions, will not be subject to certain provisions of the Code as a result of acquiring and carrying the Bonds, the Township agrees that if Bond Counsel and the Financial Advisor so advises, all or a portion of the Bonds will be designated as “qualified tax-
exempt obligations,” within the meaning of Code section 265(b)(3)(B), that the Bonds shall have such designation and that the maximum principal amount of the Bonds will not exceed $10,000,000, and the Township hereby covenants that, if the Bonds are so designated, it will take such steps as may be necessary to cause the Bonds to continue to be obligations described in such Code section during the period in which the Bonds are outstanding. If the Bonds are so designated, the Township represents that it has not issued, and does not reasonably anticipate issuing, tax-exempt obligations which, when combined with the Bonds, will result in more than $10,000,000 of tax-exempt obligations being issued in 2020. For purposes only of the foregoing sentence, the term “tax-exempt obligation” shall include any “qualified 501(c)(3) bond,” as defined in Code section 145, but shall not include any other “private activity bond,” as defined in Code section 141(a), any obligation which would be an “industrial development bond” or a “private loan bond” as defined in sections 103(b)(2) and 103(o)(2)(a) of the Internal Revenue Code of 1954, as amended, but for the fact that it is issued pursuant to section 1312, 1313, 1316(g) or 1317 of the Tax Reform Act of 1986, or any obligation issued to currently refund any obligation to the extent the amount thereof does not exceed the outstanding amount of the refunded obligation.

Section 15. Preliminary Official Statement; Official Statement; Continuing Disclosure.

The Preliminary Official Statement in the form presented at this meeting (a copy of which shall be filed with the records of the Township), is hereby approved with such subsequent, necessary and appropriate additions or other changes as may be approved by the proper officer of the Township with the advice of counsel. The use and distribution of the Preliminary Official Statement by the Underwriter in the form hereby approved, and the distribution thereof on and after the date hereof, with such subsequent additions or other changes as aforesaid, is hereby authorized in connection with the public offering by the Underwriter of the Bonds. An Official Statement in substantially the same form as the Preliminary Official Statement, with such additions and other changes, if any, as may be approved by the Township’s officer executing the same with the advice of counsel, such approval to be conclusively evidenced by the execution thereof, is hereby authorized and directed to be prepared and upon its preparation, to be executed by the Chairman or Vice Chairman of the Governing Body following such investigation as such officer deems necessary as to the contents thereof. The Township hereby further approves the distribution and use of the Official Statement as so prepared and executed in connection with the sale of the Bonds.

The Township covenants to provide such continuing disclosure, at such times, in such manner and of such nature as is described in the Official Statement and to execute and deliver such agreements and certificates with respect to continuing disclosure as are described in the Official Statement. Any continuing disclosure filing under this Ordinance may be made by transmitting such filing to the continuing disclosure service of the Municipal Securities Rulemaking Board’s Electronic Municipal Market Access System.

More specifically, the Township authorizes the execution of the Continuing Disclosure Agreement, to be dated the date of issuance of the Bonds (the “Continuing Disclosure Agreement”). The Continuing Disclosure Agreement shall be substantially in the form presented to this meeting, with such changes, if any, as may be approved by officers of this Township executing the same, whose execution thereof shall be conclusive evidence of such approval. At the time of issuance of the Bonds, the Chairman or Vice Chairman, as applicable, of the Governing
Body, is hereby authorized and directed to execute and deliver the Continuing Disclosure Agreement in the name of and on behalf of this Township, and the Secretary or Assistant Secretary, as applicable, of this Township is authorized and directed to attest said signature and to affix the seal of this Township to the Continuing Disclosure Agreement.

The Township covenants to provide such continuing disclosure, at such times, in such manner and of such nature as is described in the Continuing Disclosure Agreement.

Section 16. Appointment of Bond Counsel and Financial Advisor.

(a) The Township hereby appoints the law firm of Dilworth Paxson LLP to serve as Bond Counsel, in connection with the potential issuance and sale of the Bonds.

(b) The Township hereby appoints PFM Financial Advisors LLC, as financial advisor to the Township (the "Financial Advisor"), in connection with the potential issuance and sale of the Bonds.

Section 17. Incidental Actions.

The proper officers of the Township are hereby authorized, directed and empowered on behalf of the Township to execute any and all agreements, papers and documents and to do or cause to be done any and all acts and things necessary or proper for the carrying out of the purposes of this Ordinance, and in connection with the application for, and issuance of, municipal bond insurance, if deemed desirable.

Section 18. Payment of Issuance Costs.

The proper officers of the Township are hereby authorized and directed to pay the costs of issuing the Bonds at the time of delivery of the Bonds to the Underwriter. An estimate of such costs and expenses has been presented to the Governing Body.

Section 19. Municipal Bond Insurance.

The Township hereby authorizes and directs the purchase of municipal bond insurance and the payment of the premium therefor from the proceeds of the Bonds if determined to be economically feasible in order to market the Bonds. The proper officers of the Township are hereby authorized, directed and empowered on behalf of the Township to execute any and all agreements, papers and documents necessary or proper in connection with the application for, and issuance of, municipal bond insurance.

Section 20. Inconsistent Ordinances.

All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

Section 21. Severability.

In case any one or more of the provisions of this Ordinance shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of this Ordinance and this Ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein.
Section 22. Effective Date.

This Ordinance shall become effective on the earliest date permitted by the laws of the Commonwealth.
ENACTED AND ORDAINED by the Council of Middletown Township, Delaware County, Pennsylvania, this ______ day of September 2020.

ATTEST: TOWNSHIP OF MIDDLETOWN COUNCIL

__________________  __________________________
John McMullan         Mark Kirchgasser, Chairman
Township Manager
I HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance duly enacted by the affirmative vote of a majority of the members of the Governing Body of Middletown Township, Delaware County, Pennsylvania (the “Township”), at a public meeting held the 28th day of September, 2020; that proper notice of such meeting was duly given as required by law; and that said Ordinance has been duly entered upon the Minutes of said Governing Body, showing how each member voted thereon.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Township this 28th day of September 2020.

___________________________
John McMullan
Title: Township Manager
EXHIBIT A
To Ordinance of
Middletown Township
Delaware County, Pennsylvania
Enacted September 28, 2020

Form of Bonds

Unless this bond is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the Paying Agent or its agent for registration of transfer, exchange or payment, and any bond issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

No. $____________

UNITED STATES OF AMERICA
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF DELAWARE

MIDDLETOWN TOWNSHIP
GENERAL OBLIGATION BOND, SERIES OF 2020

INTEREST RATE MATURITY DATE SERIES ISSUANCE CUSIP DATE

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DOLLARS

Middletown Township, Delaware County, Pennsylvania (the “Township”), existing by and under the laws of the Commonwealth of Pennsylvania, for value received, hereby acknowledges itself indebted and promises to pay to the registered owner named above on the maturity date specified above, unless this bond shall have been previously called for redemption in whole or in part and payment of the redemption price shall have been duly made or provided for, the principal amount shown above; and to pay interest thereon at the annual rate specified above (computed on the basis of a 360-day year of twelve 30-day months) [from the most recent Regular Interest Payment Date (as hereinafter defined) next preceding the authentication date
hereof, unless the authentication date is (a) a Regular Interest Payment Date, in which event this bond shall bear interest from said Regular Interest Payment Date, or (b) after a Regular Record Date and before the next succeeding Regular Interest Payment Date, in which event this bond shall bear interest from such succeeding Regular Interest Payment Date, or (c) on or prior to the Regular Record Date preceding ___________ in which event this bond shall bear interest from the Series Issuance Date shown above, if no interest has been paid. Such payments of interest shall be made on ____________ and on each ____________ and ___________ thereafter (each, a “Regular Interest Payment Date”) until the principal or redemption price hereof has been paid or provided for as aforesaid. The principal or redemption price of, and interest on, this bond may be paid in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts.

The principal or redemption price of this bond is payable upon presentation and surrender hereof at the office of The Bank of New York Mellon Trust Company, N.A., in Philadelphia, Pennsylvania, or at the designated office of any additional or appointed alternate or successor paying agent or agents (the “Paying Agent”). Interest shall be paid by check mailed to the registered owner hereof, as shown on the registration books kept by the Paying Agent as of the close of business on the applicable Regular or Special Record Date (each as hereinafter defined).

The record date for any Regular Interest Payment Date (each, a “Regular Record Date”) shall be the _____ (____) day of the calendar month (whether or not a business day) immediately preceding each Regular Interest Payment Date. In the event of a default in the payment of interest becoming due on any Regular Interest Payment Date, the interest so becoming due shall forthwith cease to be payable to the registered owners otherwise entitled thereto as of such date. Whenever moneys become available for the payment of such overdue interest, the Paying Agent shall on behalf of the Township establish a special interest payment date (the “Special Interest Payment Date”) on which such overdue interest shall be paid and a special record date (which shall be a business day) relating thereto (the “Special Record Date”), and shall mail a notice of each such date to the registered owners of all Bonds (as hereinafter defined) at least ten (10) days prior to the Special Record Date, but not more than thirty (30) days prior to the Special Interest Payment Date. The Special Record Date shall be at least ten (10) days but not more than fifteen (15) days prior to the Special Interest Payment Date.

If the date for payment of the principal or redemption price of, and interest on, this bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the Commonwealth of Pennsylvania or in each of the cities in which the corporate trust or payment office of the Paying Agent are located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such date shall have the same force and effect as if made on the nominal date of payment.

So long as The Depository Trust Company (“DTC”) or its nominee, Cede & Co., is registered owner hereof, all payments of principal and premium, if any, and interest on, this bond shall be payable in the manner and at the respective times of payment provided for in the Representation Letter (the “Representation Letter”) defined in, and incorporated into, the Ordinance referred to herein.
A-3

The principal or redemption price of, and interest on, this bond are payable without deduction for any tax or taxes, except inheritance and estate taxes or any other taxes now or hereafter levied, or assessed hereon under any present or future laws of the Commonwealth of Pennsylvania, all of which taxes, except as above provided, the Township assumes and agrees to pay.

This bond is one of a duly authorized issue of $________ aggregate principal amount of general obligation bonds of the Township known as “Middletown Township General Obligation Bonds, Series of 2020” (the “Bonds”), all of like tenor, except as to interest rate, date of maturity and provisions for redemption. The Bonds are issuable only in the form of fully registered bonds without coupons in the denomination of $5,000 or integral multiples thereof and are issued in accordance with the provisions of the Pennsylvania Township Debt Act, 53 Pa. Cons. Stat. §8001 et seq., as amended (the “Act”) and by virtue of an ordinance of the Township duly enacted (the “Ordinance”), and the sworn statement of the duly authorized officers of the Township as appears on record in the office of the Pennsylvania Department of Community and Economic Development, Harrisburg, Pennsylvania.

It is covenanted with the registered owners from time to time of this bond that the Township shall (i) include the amount of the debt service for each fiscal year in which the sums are payable in its budget for that year; (ii) appropriate those amounts from its general revenues for the payment of the debt service; and (iii) duly and punctually pay or cause to be paid from its sinking fund or any other of its revenues or funds the principal or redemption price of, and the interest on, this bond at the dates and places and in the manner stated in this bond, according to the true intent and meaning thereof. For such budgeting, appropriation and payment, the Township pledges its full faith, credit and taxing power. As provided in the Act, this covenant shall be specifically enforceable; subject, however, as to the enforceability of remedies to any applicable bankruptcy, insolvency, moratorium or other laws or equitable principles affecting the enforcement of creditors’ rights generally. Nothing in this paragraph shall be construed to give the Township any taxing power not granted by another provision of law.¹

OPTIONAL REDEMPTION

The Bonds maturing on or after ________, 20__ are subject to redemption prior to maturity at the option of the Township, at the redemption price of 100% of the principal amount of Bonds to be redeemed, plus accrued interest to the date fixed for redemption, in whole or, from time to time, in part (and if in part, in such order of maturity or portion of a maturity as the Township shall select and within a maturity by lot) at any time on and after ________, 20__.  

MANDATORY REDEMPTION

The Bonds maturing on ____________, are subject to mandatory redemption prior to maturity in part, by lot, on ________ of each of the years _____ to ____, inclusive, at the redemption

______________________

1
price of 100% of the principal amount of Bonds to be redeemed, plus accrued interest to the date fixed for redemption, in the principal amounts and as set forth in the Ordinance.

Any redemption of this bond under the preceding paragraph(s) shall be made as provided in the Ordinance, upon not less than thirty (30) days’ notice, by mailing a copy of the redemption notice by first-class United States mail, postage prepaid, or by another method of giving notice which is acceptable to the Paying Agent and customarily used by fiduciaries for similar notices at the time such notice is given, to each registered owner of the Bonds to be redeemed. Such notice shall be mailed to the address of such registered owner appearing on the registration books of the Paying Agent, unless such notice is waived by the registered owner of the Bonds to be redeemed; provided, however, that failure to give notice of redemption by mailing or any defect in the notice as mailed or in the mailings thereof to the registered owner of any Bond to be redeemed shall not affect the validity of the redemption as to other Bonds for which proper notice shall have been given or waived. In the event that less than the full principal amount hereof shall have been called for redemption, the registered owner hereof shall surrender this bond in exchange for one or more new Bonds in an aggregate principal amount equal to the unredeemed portion of the principal amount hereof. The Paying Agent shall also give further notice of such redemption as provided in the Ordinance, but no failure to do so or defect therein shall affect the validity of the redemption.

So long as DTC or its nominee, Cede & Co., is registered owner hereof, if all or fewer than all Bonds of a maturity are to be redeemed, the Paying Agent shall notify DTC within the time periods required by the Representation Letter. It is expected that DTC will, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the beneficial owners. Any failure on the part of DTC or a Participant, or failure on the part of a nominee of a beneficial owner of a Bond (having been mailed notice from the Paying Agent, a Participant or otherwise) to notify the beneficial owner of the Bond so affected, shall not affect the validity of the redemption of such Bond. If fewer than all Bonds of a maturity are to be redeemed, DTC shall determine by lot the principal of the maturity of the Bonds to be redeemed of each DTC Participant’s interest in such maturity to be redeemed.

If at the time of the mailing of any notice of optional redemption the Township shall not have deposited with the Paying Agent moneys sufficient to redeem all the Bonds called for redemption, such notice shall state that it is conditional, that is, subject to the deposit or transfer of the redemption moneys with the Paying Agent not later than the opening of business on the redemption date, and that such notice shall be of no effect unless such moneys are so deposited.

The Township has established a sinking fund with the Paying Agent, as the sinking fund depository, into which funds for the payment of the principal or redemption price of, and the interest on, the Bonds shall be deposited not later than the date fixed for disbursement thereof. The Township has covenanted in the Ordinance to make payments out of such sinking fund or out of any other of its revenues or funds, at such times and in such annual amounts, as shall be sufficient for prompt and full payment of the principal or redemption price of, and interest on, this bond.

The Township, pursuant to recommendations promulgated by the Committee on Uniform Security Identification Procedures (CUSIP), has caused CUSIP numbers to be printed on the Bonds. No representation is made as to the accuracy of said numbers either as printed on the
Bonds or as contained in any notice of redemption, and the Township shall have no liability of any sort with respect thereto. Reliance upon any redemption notices with respect to the Bonds may be placed only on the identification numbers printed hereon.

No recourse shall be had for the payment of the principal or redemption price of, or interest on, this bond, or for any claim based hereon or on the Ordinance, against any member, officer or employee, past, present, or future, of the Township or of any successor body, either directly or through the Township or any such successor body, under any constitutional provision, statute or rule of law, or by the enforcement of any assessment or by any legal or equitable proceeding or otherwise, and all such liability of such members, officers or employees is released as a condition of and as consideration for the execution and issuance of this bond.

This bond is registered as to both principal and interest on the bond register to be kept for that purpose at the corporate trust and/or payment office of the Paying Agent, and both principal and interest shall be payable only to the registered owner hereof. This bond may be transferred or exchanged in accordance with the provisions of the Ordinance, and no transfer or exchange hereof shall be valid unless made at said office by the registered owner in person or his duly appointed attorney or other legal representative and noted hereon. The Paying Agent is not required to transfer or exchange any Bond during the fifteen (15) days immediately preceding the date of mailing of any notice of redemption or at any time following the mailing of any such notice, if the Bond to be transferred or exchanged has been called for such redemption. The Township and the Paying Agent may deem and treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest hereon and for all other purposes, whether or not this bond shall be overdue. The Township and the Paying Agent shall not be affected by any notice to the contrary.

This bond shall not be valid or become obligatory for any purpose until the Paying Agent’s Authentication Certificate printed hereon is duly executed.
IN WITNESS WHEREOF, Middletown Township has caused this bond to be signed in its name by the manual or facsimile signature of the Chairman of its Governing Body and its corporate seal or a facsimile thereof to be affixed, imprinted, lithographed or reproduced hereon and attested by the manual or facsimile signature of its Secretary, all as of the Series Issuance Date specified above.

[SEAL]  MIDDLETOWN TOWNSHIP

By: (Facsimile)  (Insert appropriate title)

Attest

(Insert appropriate title)
[FORM OF PAYING AGENT’S AUTHENTICATION CERTIFICATE]

This bond is one of the Bonds described therein. Attached hereto is the complete
text of the opinion of Dilworth Paxson LLP, Bond Counsel, dated the date of the initial delivery
of, and payment for, the Bonds, a signed copy of which is on file with the undersigned.

[THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A., PAYING AGENT]

By: ______________________
    Authorized Signer

AUTHENTICATION DATE:
ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of the within Bond, shall be construed as though the terms which they represent were written out in full according to applicable laws or regulations.

TEN COM - as tenants in common
TEN ENT - as tenants by the entireties
JT TEN - as joint tenants with the right of survivorship and not as tenants in common
UNIFORM GIFT MIN ACT ..........Custodian.........
       (Cust) (Minor)
       under Uniform Gifts to Minors
       Act............... (State)

Additional abbreviations may also be used though not in the above list.
[FORM OF ASSIGNMENT]

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers
unto _________________________________________________________________________
(Please type or print name, address
______________________________________________________________________________
(including postal zip code) and social security or other tax
______________________________________________________________________________
identification number of the transferee)

the within Bond and all rights thereunder, hereby irrevocably appointing
______________________________________________________________________________
his/her attorney to transfer said Bond on the bond register with full power of substitution in the premises.

Dated:

Signature Guaranteed by:

NOTICE: signature(s) must be guaranteed by an eligible guarantor institution, an institution which is a participant in a Securities Transfer Association recognized signature guaranteed program.

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever

____________________
(Authorized Signature)
EXHIBIT B
To Ordinance of
Middletown Township
Delaware County, Pennsylvania
Enacted September 28, 2020

2020 Bonds Maturity Schedule

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<th>Maximum Interest Rate</th>
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EXHIBIT B
To Ordinance of
Middletown Township
Delaware County, Pennsylvania
Enacted September 28, 2020

Redemption Provisions

OPTIONAL REDEMPTION

The Bonds maturing on or after _____ 1, 20__ are subject to redemption prior to maturity at the option of the Township, at the redemption price of 100% of the principal amount of Bonds to be redeemed, plus accrued interest to the date fixed for redemption, in whole or, from time to time, in part (and if in part, in such order of maturity or portion of a maturity as the Township shall select and within a maturity by lot) at any time on and after _____ 1, 20__.

MANDATORY REDEMPTION

The Bonds maturing on __________, are subject to mandatory redemption prior to maturity in part, by lot, on ______ of each of the years _____ to ____, inclusive, at the redemption price of 100% of the principal amount of Bonds to be redeemed, plus accrued interest to the date fixed for redemption, in the principal amounts and as set forth in the Ordinance.
EXHIBIT C
To Ordinance of
Middletown Township
Delaware County, Pennsylvania
Enacted September 28, 2020

Maximum Annual Amounts Appropriated to 2020 Sinking Fund

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Total $
TO: Township Council

FROM: John McMullan, Township Manager

DATE: September 9, 2020

SUBJECT: 3-Year Recycling and Yard Waste Collection Contract Award

Bids were advertised on July 27 and opened on August 13 for the new 3-year Recycling and Yard Waste Collection contract. The only bidder was current contractor, A.J. Blosenski, Inc. The bid tabulation sheet is attached.

If Council elects to continue the weekly Single Stream collection with the Option 2 (19 times-per-year) Yard Waste collection, staff recommends a set fee of $102 per household per year so as not to increase the recycling fee each year of the contract. The 3-year range is from a low of $97.80 to a high of $102.07. (The three-year contract average plus 2% discount per ordinance is $101.93) The Township is currently charging $72.50 annually per unit under the expiring contract. In a follow-up meeting with representatives from A.J. Blosenski, the reason given for the cost increase was the increase in disposal costs that had not previously been built into the contract.

If Council agrees with the recommendations, the contract for Recycling and Yard Waste collection can be awarded to A.J. Blosenski, Inc. at Monday night’s meeting.
<table>
<thead>
<tr>
<th>Bidder</th>
<th>A.J. Biosenki</th>
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<tbody>
<tr>
<td><strong>Single Stream Materials Only</strong></td>
<td></td>
</tr>
<tr>
<td>Option: 1 day/week</td>
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<tr>
<td>Year 1</td>
<td>Year 2</td>
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<tr>
<td>$82.20</td>
<td>$83.84</td>
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<tr>
<td><strong>Yard Waste Only</strong></td>
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<tr>
<td>Option 1: 1 day/month</td>
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</tr>
<tr>
<td>Option 2: 1 day/mnth 11/1-3/31; 1 day every other wk 4/1-10/31</td>
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</tr>
<tr>
<td>Year 1</td>
<td>Year 2</td>
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<tr>
<td>$18.00</td>
<td>$18.54</td>
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<td>$15.60</td>
<td>$16.07</td>
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<tr>
<td><strong>Bid Security</strong></td>
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<tr>
<td>10% Bid Bond</td>
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</tbody>
</table>

Annual Price Per Dwelling Unit
August 23, 2020

Re: Urgent Request for Ballot Box Installation

Dear Municipal Leaders:

Pennsylvania Act 77 and Act 12 provided for no-excuse mail in ballots for the first time in the spring primary. One consequence of the global Covid-19 pandemic is that an unexpectedly large number of voters used the new mail in voting option in the primary. An even larger number is expected to vote by mail in the general election. County residents have expressed the concern that the US Postal Service will not provide timely delivery of their ballots. The County is concerned that the deadline for applying for a mail in ballot is so close to the election that voters may not have time to return their ballots by mail.

Our goal is to make it possible for everyone to return their ballots safely and securely to be counted. We need your help to do that.

Delaware County Council obtained third party funding to acquire 50 secure ballot drop boxes that can be permanently installed outside or inside to accept mail in and absentee ballots in the November general election and in subsequent elections. Council has asked the Board of Elections to deploy one box in each of Delaware County’s 49 municipalities with an extra at the curb at Government Center in Media.

We need your assistance to find a suitable location at your municipal building or at another highly visible location in your municipality where the County can install a drop box. The boxes should preferably be located in an area where voters can have 24 hour access to them, are well lit and are ADA accessible. They will be under video surveillance and will be emptied daily by County staff during election season. A memo explaining the proposal and a detailed description of the box and the installation requirements is attached.

Please let us know if you are willing to assist us in this effort by doing these two things:

1. Emailing Deborah Cairy at cairyd@co.delaware.pa.us or calling her at 610-891-4267 with your acceptance of placing a drop box in your municipality.
2. Filling out, signing and mailing or scanning and emailing the enclosed license agreement to Deborah Cairy at the email above or, alternatively, providing a preliminary location and draft
agreement subject to any necessary governing body approvals with the date on which such approval will be considered. If the municipality is not willing or able to host a drop box, please let us know.

This is time sensitive to make sure that the boxes are available for upcoming election, so we urgently need your responses by September 9th. Thank you so much for doing your part in ensuring that Delaware County conducts the 2020 general election in a safe, secure and convenient manner for all voters!

Very truly yours,

[Signature]

Marianne A. Jackson
Director of Elections

Attachments:
Drop Box Deployment Plan Memo
Front and Side Drop Box Renderings
Form of Drop Box License Agreement
BALLOT DROP BOX LICENSE AGREEMENT

THIS AGREEMENT is dated this ______ day of ______, 2020 between (“Licensor”) with an address of _______ and the County of Delaware, Bureau of Elections (“Licensee”) with an address of 201 W. Front Street, Media, PA 19063, hereinafter together referred to as the “Parties”.

WITNESSETH:

WHEREAS, the Licensor with property located at has mutually acceptable space and location on their Property (the “Property”) to place a secured Ballot Drop Box, surveillance camera and appropriate signage (“Drop Box”); and

WHEREAS, the Licensee has requested a license to use the Property for placing Drop Box and has agreed to install, remove, maintain such Drop Box and restore and repair any damage caused to the Property.

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions, the Parties hereto agree as follows:

1. GRANT OF LICENSE. In consideration of the terms and conditions contained herein, the Licensor hereby grants to the Licensee and the Licensee hereby accepts an exclusive, irrevocable license (the “License”) to use the Property for the placement of a Drop Box at the sole cost and expense of Licensee, term to begin upon execution of this License Agreement and terminate five (5) years thereafter (except as hereinafter provided). Licensee shall be permitted to reasonably promote and advertise the location of the Drop Box.

2. USE OF PROPERTY. Licensee’s use of the Property shall not prevent the continued use of the remainder of the Property by Licensor.

3. ACCESS TO PROPERTY. Licensee, at all reasonable and/or necessary times, shall have the absolute right to access the Ballot Drop Box and surveillance camera for the purpose of removing inserted Ballots, maintenance, relocation and for other reasons incident to the placement, use and/or removal of the Drop Box.

4. PROPERTY RULES. The Licensee shall comply with and adhere to all rules, regulations and provisions incident to the use of Licensor’s Property as established by the Licensor.

5. TERMINATION. This License is subject to the right of either Party to terminate the License after thirty (30) days written notice to the other Party.

6. REPAIRS AND DAMAGE. The Licensee shall repair any damage to the Drop Box and Property caused by placement, use and/or removal of the Drop Box.
7. INDEMNIFICATION. The Licensee hereby indemnifies and holds the Licensor harmless from any loss, cost, expense or liability arising from the Licensee’s use of the Property. The Licensee shall obtain insurance for the risks described herein and shall name the Licensor as an additional insured for such policy.

8. GOVERNING LAW. This License Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Pennsylvania. Venue shall be in the proper court(s) for Delaware County, Pennsylvania.

9. COUNTERPARTS. This License Agreement may be executed in counterparts and once executed by both Parties, each counterpart shall be considered an original.

10. BROKERS. The Parties to this License Agreement represent and warrant each to the other that this License Agreement and the transaction hereby contemplated were not brought about and did not involve any broker, licensed or otherwise.

11. RELATIONSHIP. Nothing contained in this License Agreement shall be deemed to create a partnership or joint venture between the Licensee and the Licensor or any other Third-Party, or to cause the either Party to be liable or responsible in any way for the actions, liabilities, debts or obligations of the other Party. This Agreement does not create any other relationship between Licensor and Licensee other than that of a licensor to a licensee. Licensee has no authority to commit Licensor in any manner or to incur any obligation on behalf of or in the name of Licensor.

12. BINDING EFFECT. This License Agreement will not be binding on or constitute evidence of an Agreement between the Parties until such time as it has been executed by each Party and an original thereof delivered to each other Party to this License Agreement.

13. REPRESENTATIONS. There are no representations and warranties by the Parties, their agents, servants and employees whether oral or in writing, relating to or concerning this License Agreement or the Licensee’s right to use the Property other than as specifically set forth herein.

14. ENTIRE AGREEMENT. This License Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior written and oral Agreements and understanding relating to the subject matter hereof.

15. AMEND/MODIFY. This License Agreement may not be modified, amended or discharged except by an instrument in writing signed by the Parties hereto. No waiver or consent may be enforced unless such waiver or consent shall be in writing and signed by the Party against whom enforcement thereof is sought. The Licensee shall have the right to assign this License to any associated County department or agency associated with voting in Delaware County providing they execute an Assumption Agreement in form and substance satisfactory to the Licensor.
16. **BINDING/INURE.** This License Agreement shall be binding upon, and inure to the benefit of the Parties hereto and their respective successors and permitted assigns.

17. **NOTICES.** Notices and other communications under this License Agreement shall be in writing and sent to each party at its address set forth above or, in the event of a change in any address, then to such other address as to which notice of the change is given. Notices to Licensor will be sent to the attention of [Attention Name] and notices to Licensee will be sent to the attention of William F. Martin, Esquire, Delaware County Solicitor’s Office, 201 W. Front Street, Media, PA 19063. Notice will be deemed given on receipt.

18. **INTERPRETATION.** This License Agreement is the result of negotiations between the Parties, each of whom is represented by counsel of its own choosing. All Parties shall be deemed to have drawn this License Agreement and no negative inference or interpretation shall be made by a court against the Party whose counsel drafted this License Agreement.

19. **SECTION HEADINGS.** Section headings are for convenient reference only and shall not affect the meaning or have any bearing on the interpretation of any provision of this Agreement.

20. **ADDITIONAL TERMS.** The Parties have agreed to the Additional Terms as set forth and attached hereto as Addendum “A” and such terms are hereby incorporated herein and made a part of this License Agreement.

**IN WITNESS WHEREOF,** the Parties hereto have executed this License Agreement as of the date and year first written above.

**ATTEST**

**TOWNSHIP/BOROUGH OF**

BY: [Signature] Secretary

BY: [Signature] Name:
Title:
Authorized Signatory, Licensor

**ATTEST**

**COUNTRY OF DELAWARE**

BY: Anne M. Coogan, County Clerk

BY: [Signature] Brian P. Zidek Chairman
Delaware County Council
Authorized Signatory, Licensee
ADDENDUM "A"
ADDITIONAL TERMS

See Attached

ADDENDUM "A"
MEMORANDUM

TO: Delaware County Municipal Administrative and Elected Leaders
FROM: Marianne Jackson, Delaware County Interim Director of Elections
RE: Deployment of Mail-In and Absentee Ballot Drop Boxes

TIME SENSITIVE COMMUNICATION

Delaware County was recently approved for a grant in the amount of $2.2M by the Center for Tech and Civic Life, a 501(c)(3) organization whose mission statement is “We connect Americans with the information they need to become and remain civically engaged, and ensure that our elections are more professional, inclusive and secure.” As part of the $2.2M grant, close to $200k was earmarked to purchase, install and maintain 50 ballot drop boxes throughout the county for voters to use to return mail-in and absentee ballots outside of the U.S. Mail system. This memorandum outlines a proposal for deploying the 50 drop boxes throughout Delaware County.

Background

Delaware County has approximately 405,000 registered voters. As a result of historic changes to the Pennsylvania election law in 2019, Delaware County now offers no-excuse mail in voting for registered voters who apply and are approved for such ballots. Because of the COVID-19 pandemic, the County Election Bureau anticipates that at least 175,000 voters will choose to vote by mail in the upcoming general election. The United States Postal Service has recently warned that some mail-in votes may not be counted in Pennsylvania due to the ability of voters to request a mail-in ballot as late as seven days before the election. That announcement may cause voters to seek to return vote by mail ballots through means other than the U.S. Mail. It is essential that the County provide ways for voters to return their ballots with the confidence that such ballots will be received and counted.

Proposed Drop Box Deployment

The Delaware County election staff proposes to deploy 50 drop boxes -- one in each of the 49 Municipalities and one at the County Government Center in Media to be installed between the middle of September and October 1.

A ballot drop box program can help build public trust in the election process by offering a secure and convenient alternative for voters to cast their completed vote by mail ballots. Ballot drop boxes can reassure voters who mistrust the postal system because of lost or delayed mail, an issue highlighted recently in the local and national media. For voters who wait until the last minute to request an application to vote by mail, these drop boxes offer a convenient way for voters to return their ballots up to and on election day with confidence that their ballots will be timely and received and counted.

The Drop Box

The 50 drop boxes that have already been approved for purchase by the County Council are made by American Security Cabinets and are model BAL- 810, a large capacity drop box that can accommodate an average of 2500 ballots. These drop boxes weigh approx. 200 pounds, are 54
The Election Staff is requesting that each municipality in Delaware County recommend a location or locations in easily accessible places where the boxes can be installed permanently for use in this upcoming election and future elections. Preferred locations include public buildings such as municipal buildings (other than police stations, due to election code restrictions) and public libraries. It is recommended that the boxes be available to voters 24 hours per day although the County will defer to local officials on concerns regarding security and will arrange for indoor installation if that is recommended by the municipality. They should be placed in well lit, visible, ADA accessible locations and will be under surveillance from video equipment included in the grant funding or from a Municipality’s or public building’s currently available surveillance equipment.

Due to state law, there must be an agreement in place between the County any property owner who hosts a drop box for the use of the space where the box sits. A form of agreement is attached regarding the placement and installation of the drop box and surveillance equipment. It may be amended to address signage and other issues as requested. Installation may include bolting the box to the ground and affixing surveillance cameras to a building or permanent fixture. The installation will be similar to that for US Postal Service mail boxes. The County has worked with the Delaware County District Attorney and there will be public communications that emphasize that anyone who interferes with ballot drop boxes will be prosecuted to the fullest extent of the law.

Ballot Retrieval

Ballots would be retrieved from each of the 50 locations on a daily basis. The pick up schedule will be public and citizens are invited to watch the removal of ballots and the sealing of the ballot bags. Ballot retrieval teams will use Delaware County vans to follow predetermined driving routes to transfer the contents of the drop boxes to portable bags/boxes, seal the boxes, complete their chain of custody paperwork and load the portable boxes into the van. Each evening the collected ballots will be returned to the Delaware County Bureau of Elections office where they will be logged in and secured. Each ballot retrieval team will be equipped with vests that make them readily identifiable, will have a chain of custody form for every location, and will visually inspect the drop box and surrounding areas for evidence of tampering or vandalism. On Election night, a staggered closing time of the drop boxes will need to be implemented in order to retrieve the ballots from each location. The staggered closing times will need to be well communicated with appropriate signage at each location.
DELAWARE COUNTY BOARD OF ELECTIONS

OFFICIAL BALLOT DROP BOX
<table>
<thead>
<tr>
<th>Vendor Name</th>
<th>Budget Code</th>
<th>Description</th>
<th>Amount</th>
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<tbody>
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<td>Aqua Pennsylvanis, Inc.</td>
<td>01.411.363</td>
<td>July Hydrant Bills</td>
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<td>09.451.156</td>
<td>Recreation Insurance</td>
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<td>$ 22,080.61</td>
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<td>Liab. Insurance - Roosevelt School</td>
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<td>Petrikin Wellman Damico Brown &amp; Petrosa</td>
<td>01.404.310</td>
<td>Twsp. Solicitor - Billed Through 7/31/20</td>
<td>$ 5,338.25</td>
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General Fund Total $ 115,814.41

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<th>Capital Reserve Highway Improvement Fund</th>
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<tr>
<td>Guidemark, Inc.</td>
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<td>Kelly &amp; Close Engineers</td>
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CAPITAL RESERVE 2019 G.O. BOND - ROOSEVELT

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<th>Vendor Name</th>
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<td>Domus Construction</td>
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$ 338,362.71

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$ 129,924.14

Approved by: ___________________________________________________________________

Date: __________________________________________________________________________