

MIDDLETOWN TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA  
JANUARY 8, 2025

Minutes of the Regular Meeting of Township Council held on January 8, 2025, at 7:00 p.m. in the Township Building located at 27 N. Pennell Road.

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Present: David Bialek, PharmD, R.Ph, Carissa Ciuca, Jackie Donnelly, Bibiana Dussling, Susan Powell, Walter "Bok" Read, Christopher Stump, John McMullan, Denis Dunn, Esq., Eric Janetka, Kelly Engineers, Andy Parker, Traffic Engineer, Vince Visoskas, Meredith Merino, Chief Bill Rigby.

1. OPENING: PLEDGE OF ALLEGIANCE TO THE FLAG

Chairwoman Ms. Dussling called the meeting to order at 7 p.m. and led in the recitation of the Pledge of Allegiance to the Flag.

2. APPROVAL OF MINUTES:

3. PUBLIC COMMENTS:

Mr. Trevor Penning, 614 Hoopes Lane, stated he has several questions relating to the Delaware County Planning Commissions disapproval of the Outrigger development on the Franklin Mint parcel. He asked as far as the Township is concerned, how influential is this disapproval notice when it comes to the township's consideration of this development. Secondly, if the Township were to approve moving forward on this development, what are the legal implications when the Delaware County Planning Commission has already disapproved this development.

Mr. Bialek asked for clarification, is it a recommendation from the Delaware County Planning Commission? Mr. McMullan stated this is correct. Ms. Dussling asked if there were notes as far as the reasoning of why they are not recommending the development. Mr. Penning stated the wording in the letter is "Land development disapproval due to code noncompliance and broad inconsistency with the overarching purpose of the Zoning District as well as the Middletown Township Delaware County Comprehensive Plans.

Mr. McMullan stated the Delaware County Planning Commission is an advisory commission. They do the first level review which is shared with the Township's professional staff as well as the Township's Planning Commission. The letter received from Delaware County is part of the overall review. In terms of putting an actual measurement on how to rate it, he is unable to do that, but it is certainly taken into consideration as part of the overall review.

Mr. Penning asked if the Township decided to approve the Outrigger development what would be the legal implications when the Delaware County Planning Commission has already disapproved the development. Mr. Bialek asked if it is possible for Council to not comment on Outrigger because it is currently under review, and they don't want to give any perception that it is final and that Council is making any determination. Ms. Dussling added the plan has not come before the Township's Planning Commission which will then make a recommendation to Council. There could be more things that Outrigger does, finish etc. before it even gets to the Township Planning Commission.

Mr. Stump asked to address the criteria for approval/disapproval, are they different at the different levels of this process? Mr. McMullan stated the criteria that apply to Council is what is in the Township Ordinances. This is what the Township staff and professionals are evaluating when reviewing the application. Is it compliant and does it satisfy what is in the Township's ordinances? Mr. Stump stated this sounds like slightly different criteria than what the County Planning Commission uses. Mr. McMullan stated the County mentioned their Comprehensive Plan which covers all of Delaware County. There is some applicability, but there are some differences in terms of them not evaluating each of the Township's Ordinances as part of their review process.

Mr. Richard Smith, Secretary of the Riddlewood Sunnybrea Community Organization, 73 War Admiral Lane, stated they brought before Council the question of speed bumps. He stated his organization is still in the process of getting the community organization back up to speed as it was idle due to COVID. As they become aware of situations, they will bring them before Council. One of the things brought before Council is the traffic using Man O'War Drive and War Admiral Drive. It got bad during COVID and has gotten worse. They had talked about having speed bumps placed. Council was in the process of looking at this. Has Council decided yet?

Ms. Dussling stated the way it was left at the Roads, Highways, and Public Safety Committee meeting was the Traffic Engineer, Andy Parker, was going to look at several options and bring this back to the Committee. This would happen before it comes before Council or not, depending on the nature of things. Mr. McMullan stated the Township Engineer has been tasked with several items to review over the past last 3-4 months and is working through several of those. Hopefully by the end of the first quarter, they will be able to present the criteria to come up with some type of speed deterrent such as speed bumps, speed tables, etc. They are not just looking at War Admiral Lane but Township wide because there are other requests from other areas of the Township. Mr. Smith asked if he would be given some type of heads up, and Mr. McMullan stated it would be a public meeting and welcomed Mr. Smith to attend so he can provide input on what is presented to the Roads, Highways, and Public Safety Committee. Ms. Dussling stated the meeting will be advertised on the Township website and in the Township newsletter.

Mr. Stan Johnson, 160 Kennedy Drive, stated for full disclosure he is starting a petition to express their concerns and disapproval of the proposed development at the Franklin Mint site.

Mr. Richard Shaw, 754 Switchman Road, stated he has two points he wishes to address; the first one he documented to Council and wants to take a minute to emphasize. It is regarding the warehouse and there is an arcane point that has to do with the traffic letter. The traffic letter is three and a half pages long and contains most of what are tables in which the Audio Guard Solutions got the wrong figures for the sound study. The traffic letter in his opinion is clear that it locks Outrigger, Inc. into a model where the warehouse, the area proposed for a

warehouse but doesn't give them much flexibility in terms of adapting to other uses such as a fulfillment center and an e-commerce center. His recommendation is that the Township get clarity from Outrigger, Inc. if that is their plan as stated in the traffic letter and confirm it to not be used for other things.

The wording in the traffic letter is they are going to use this model to use the warehouse I.T.E. (The Institute of Transportation Engineers) publication that shows how traffic is modeled for the site. It goes on to say, if it were used for other things such as the fulfillment center or Amazon type of e-commerce center, they would use completely different numbers. In fact, when Scott Henderson made his presentation on July 16, he made a big point that this proposed development would have way less traffic than the proposed Amazon warehouse. This was a big point; a selling point they were using. Over 100% of the reduction of vehicles was from this restriction that it was to be used as a warehouse. If it is positioned to be used as a warehouse, it affects the proposal in a few ways; it uses a different I.T.E. model for modeling traffic, it affects the design of the place because of the way the truck traffic and other traffic would come in the parking area.

If the proposal was for e-commerce, there would be completely different parking requirements. Once it is built, it cannot be changed. He stated the traffic letter is used throughout the document as a reference. Given that, if they are going to be used for anything beyond the warehouse, the proposal would have to be redone. Ms. Dussling clarified when he mentions the traffic letter, this is part of Outrigger Inc.'s initial Land Development proposal.

Mr. Shaw stated he was on a call with others with the Clean Air Coalition and they commented that this site was in the middle of discussion several years ago regarding the Mariner East pipeline, specifically sinkholes on the property. He knows Council is aware of this. He asked if this property is intersected by the Mariner East pipeline and were there indeed sinkholes on the property.

Ms. Dussling stated her understanding is the pipeline runs between the State Police Barracks and this parcel, and the sinkhole was in front of the old barracks location. Ms. Dussling stated as far as construction, there is a 75-foot setback. Mr. McMullan stated the plan shows it is beyond the 75 feet requirement. Mr. Shaw asked if there is a plan he can see to verify the location of the pipeline. Ms. Dussling stated if there was a pipeline on the site it would have to be shown on the Land Development Plan. Mr. Shaw stated there is nothing on the plan. (Inaudible from 18.10 - 18.28). Mr. Janetka stated the pipeline crosses Baltimore Pike just west of the entrance to Granite Farms Estates. (Inaudible from 18.39 - 19.36).

Mr. Penning stated he wants to follow up on the point Mr. Shaw made. The traffic letters are built behind the traffic impact study which is part of the Outrigger proposal. The traffic impact study is 410 pages long. Mr. Penning stated he read every page of the traffic impact study. Irrespective of which model is used, which he believes the Township knows, the

original traffic volume is based on measurements made in 2021. When you go through the impact study, they use the 2021 volume of traffic, extrapolate that to what they think the traffic is now without actually doing the study, and extrapolate it further to indicate what the impact would be if the warehouse was approved. This is extrapolation upon extrapolation built on old data. He believes the Township is aware a new traffic impact study would be required. Ms. Dussling stated this is part of what the Planning Commission will take into consideration.

Mr. Jacob Chimolowski, 65 Paul Lane, stated he would like to acknowledge the great emergency medical service providers at Rocky Run Fire Company. He experienced a medical emergency about two weeks ago and their response time and professionalism in getting him to Riddle Hospital was extremely satisfying. He knows they are busier than ever, but they deserve a word of thanks.

4. REPORTS:

A. Chair: NOREPORT

B. Committees: NO REPORT

C. Manager:

Mr. McMullan stated he wanted to thank the public for helping the Township with the snow removal. There were some vehicles that had to be relocated and removed to help the plow trucks operate. This goes a long way in helping the Public Works team clear the roads and make them safe and passable. Ms. Dussling added thanks to the Public Works Department for all they did in preparing for the storm. Whether it ends up being a large accumulation or smaller than expected they are out there many hours prior to the storm treating the roads, preparing for the storm at zero dark thirty in the morning to get things ready and to get things cleared. She stated the residents are very lucky with the Public Works Department. After a storm, when she drives around other municipalities in the area, our roads are consistently in better shape than other roads in the area.

D. Engineer: NO REPORT

5. PUBLIC HEARING: NONE

6. OLD BUSINESS:

A. Introduction: Ordinance 842, installing no parking signs on the entire road of Bonsall Drive.

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Ms. Dussling stated the Township Traffic Engineer, Andy Parker, provided information for Council. The last time this was addressed they were going to look at the length of Bonsall Drive to help identify potentially establishing a certain limited number of parking spots. He has communicated to Council what he has found so far. They will look at a full presentation at the next meeting on January 22, 2025. Mr. Parker stated they are trying to identify specific spots that would be striped on Bonsall Drive, anywhere else would be "No Parking Allowed." Mr. Parker stated they have looked at the site, have done field view, and have 10-14 spaces in mind along one side of Bonsall Drive from Cabot Court to Lima School Court. There are approximately 2-3 spaces per block.

Mr. McMullan added unfortunately, Mr. Parker has had IT issues over the past 3-4 days, which is why there is no electronic version of the concept for review this evening. The goal coming out of the last meeting was to look at spaces on Bonsall Drive to accommodate the residents currently using Bonsall Drive, which is one component. They are also looking at, since there are limited spaces, that they might have to do a deeper review of the ordinances and look at situations where parking in general needs to relax for activities and events such as holidays and gatherings that will help with parking. They have looked at the least expensive, feasible way to accomplish some spaces on the road, while not taking a deep dive into financial resources.

Ms. Dussling asked if cars are parked along the length of Bonsall Drive, how many that would be, and Mr. Parker said approximately 30 cars, but he observed that usually the cars are not parked along the length. Mr. Stump asked if 14 spaces would accommodate the cars that are currently parking on Bonsall Drive, and Mr. Parker said yes. (Inaudible from 29.9-29.28).

Ms. Dussling stated tonight they are looking to make a motion to introduce the Ordinance. Mr. Stump asked Mr. Bialek when he did his walk through how many cars were parked on Bonsall Drive, and Mr. Bialek answered one car in the early afternoon. Ms. Ciuca stated she will drive through the area this evening. Mr. Parker stated on his pass through this evening there were 16 cars parked.

Mr. Nader Toma, 39 Cabot Court, stated he owns three cars and parks one on Bonsall Drive. He stated at night, on average, on Cabot Court to the intersection of Glenwood Road there are 8-9 cars. On the other side of the development, Middletown Crossing, he sees an average of 7-8 cars. In his opinion, 14 spaces are not enough. The development was built in the 1980's where the average ownership of cars would be one or two at a maximum. Now this is not the case, and this should be considered in the planning.

Mr. Parker stated there is some flexibility in this number of spaces. They could add a few more but still consider not parking the full length of Bonsall Drive. Mr. Bialek asked if Mr. Parker considered a grassy area that could be turned into perpendicular parking spots. (Inaudible from 32.54 - 33.09) His goal was not putting cars on Bonsall Drive but finding spots off Bonsall Drive. Mr. Toma stated he also finds that fire engines can come through the development with the cars parked on Bonsall Drive, so he does not see this as a concern.

Mr. Dan Castellano, 20 Cabot Court, stated before the Township puts parking spaces on Bonsall Drive they should consider what spaces are not being used in the development. In Cabot Court, there are four garages full of junk. He stated if people used their garages and driveways like they should, they would not need spaces on Bonsall Drive. The reason being, the HOA is dysfunctional. They will not tell residents to use their driveways and garages to park cars, which results in chaos in the streets. Then they ask the Township to bail them out. He stated there is ample room in the courts to make parking spaces. Ms. Dussling stated an engineer reported they could not put additional parking spaces in Middletown Crossing. (Inaudible from 37.49 - 39.50)

Ms. Dussling stated the Township Traffic Engineer has been able to locate where there is decent line of sight and spacing to make parking spots to facilitate safe passage. She stated this should facilitate discussion within the HOA's. This type of communication should be between the HOA's. She stated but if the Township looks at Bonsall Drive and can identify what the Traffic Engineer deems are safe spots, which is what the Township can do to help facilitate this issue. Mr. Castellano stated this idea flies in the face of Bruce Clark's letter from 2013 when he said the streets are not wide enough and issued no parking which stayed in place for five years. Ms. Dussling stated things have changed since 2013, and the Township is adjusting and trying to work with the HOA's to adjust.

Ms. Leslie Campo, 210 Blackhawk Court, stated she would like to address the garages first. The garages are substandard in size. They currently own a Subaru Forrester and Rav4. Neither of them fit in the garage. Cars have gotten bigger since the 1980's. It's not that they don't want to park their cars in their garage, they won't fit in the garages. Most of the garages with the exception of 2 or 3 don't have electricity. There is no ventilation in the garages, so things are subject to mold. She was going to get electricity in her garage, but it was several thousand dollars to hook up. Ms. Campo stated the garages are deeded separately in Middletown Crossing so there are people who don't live in Middletown Crossing who own garages in the development. She asked Council to keep all this in mind. She stated safe passage is important and suggested lowering the speed limit to 15 mph. She also suggested using speed bumps. Ms. Campo asked if the Township is looking at all the streets that are less than 30 feet wide in the Township. Ms. Dussling stated this has come up in meetings, and if any are brought to the Township's attention, they will look at them.

Michael Kandrak, 220 Blackhawk Court, stated he personally drove through the streets in the Township, and there are currently eight streets that are less than 30 feet wide. He stated he would send Council his video of these streets. Ms. Campo stated for safety reasons this should affect every street in the Township. She stated her whole community is short 12 parking spaces. She stated there was conversation about making the parking spaces smaller, but Middletown Crossing's Traffic Engineer reported it wouldn't work because cars are larger. Ms. Campo said her wife, who recently had back surgery, cannot get in and out of the car. She also remarked on mothers who must get car seats in and out of their cars. Making the spaces smaller will not work. Ms. Campo thanked Council for all they are doing and stated the HOA's must share in the responsibility of finding solutions. She reiterated that the additional 14 spots may not be enough. Ms. Campo thanked the Public Works Department for being proactive in cleaning the storm sewers of leaves prior to a storm.

Ms. Lorraine Bradshaw, 273 Lima School Court, stated in the United States of America she doesn't think anyone can tell you what to put in your garage. She asked for everyone who is against no parking to stand up. She also said if signs are installed in her community they should also be installed throughout the Township.

Mr. Toma reminded Council that some of the homes in his development, Pennell Place,

do not have garages, but they were designated two parking spaces. He said if you look at the court, it lists the house number, but the other space says visitor. He stated he personally requested from his HOA to allow owners to park in the visitor spaces.

Georgette Kendrak, 220 Blackhawk Court, stated someone stated it creates chaos if there is parking on Bonsall Drive. She said school buses and fire engines come through without a problem. She suggested installing ripple strips as an alternative safety measure in addition to reducing the speed limit.

Mr. Kendrak read the list of streets for the public record; Woodland Avenue, Ridge Avenue, Smedley Avenue, Man O' War Drive, Oak Avenue, and Chestnut Avenue all being 22 feet or less.

Mr. Bialek made a motion to table Ordinance 842 until the January 22, 2025, meeting. Ms. Powell seconded the motion. The motion carried with a vote of 7-0.

- B. Ordinance No. 864, amending Chapter 275, Zoning, by deleting all of the language of the present Chapter and replacing it with new language and replacing the existing zoning map with a new zoning map, continued until January 22, 2025.
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Mr. McMullan stated at the December 18, 2024, Council meeting, Ordinance 864, amending the zoning ordinance was discussed and there was also a public hearing allowing the public to provide comment. Three comments were received; the public hearing was closed. In addition, under Old Business, Item 6C, Ordinance No. 866 creating a new Chapter 120 for the Middletown Township Code of Ordinances entitled "Floodplain Management." This too was open for a public hearing. There were no comments received. The hearing was closed. Council had a discussion. Based on the fact there was low council attendance for a variety of reasons, Council decided to postpone and to avoid having to re-advertise, it must be postponed to a day certain of January 22, 2025. There is no action to be taken by Council.

- C. Ordinance No. 866, creating a new Chapter 120 for the Middletown Township Code of Ordinances entitled "Floodplain Management," continued until January 22, 2025.
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There is no further action to be taken by Council. This agenda item is postponed until date certain, January 22, 2025.

- D. Ordinance No. 867, Chapter 63, Animals continued until January 22, 2025.
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Ms. Dussling stated this item was before Council for introduction. There was a lot of public discussion both at the meeting and on social media. Mr. McMullan stated there was considerable discussion at the December 18, 2024, meeting. This ordinance is being proposed as a standalone ordinance to give staff better oversight and making it less for enforcement on some of these issues. Mr. McMullan stated there was a great deal of discussion from the public, and he received several e-mails from Council and from the public.

At the last Council meeting they looked at Section 2, and there was a recommendation

from the public concerning removing the word chicken and replacing it with fowl. Staff suggested wherever the term chicken was used in the ordinance, replace it with domesticated chicken/fowl as this is more inclusive. In Section F, a zoning permit shall be required for keeping farm animals including chickens, and for the construction of any enclosure and/or shelter that is less than 1,000 square feet. There was some confusion from the public that the Township would be charging \$1,000 to have domesticated chickens on their property. This is not the case. The 1,000 square feet relates to a shelter for farm animals. Ms. Dussling added the distinction between the zoning permit and a building permit is that a zoning permit is required for a shelter under 1,000 square feet and a building permit for a shelter over 1,000 square feet.

This is similar to a zoning permit for a shed or fence or any type of accessory structure. This is the point of having some oversight to ensure that it satisfies the setback from the adjacent property, stated Mr. McMullan. After review from staff and taking into consideration comments from the public and Council they are suggesting a zoning permit and striking out “be required for the use of keeping farm animals including chickens.” “A zoning permit shall be required for the use of keeping farm animals, including chickens, and for the construction of any enclosure and/or shelter which is less than 1,000 square feet.” In section G. 1 replace with “domesticated female chicken/fowl.” In Section G.3, striking out “the slaughtering of chickens is prohibited.” Under G.6 striking out “the feces must be regularly removed by double-bagging and placing the bagged feces in the trash for collection” and leaving in “all chicken feed must be stored in rodent-proof and fly-tight closed containers.” For discussion is striking this language and including language such as not creating an odor.

Mr. Stump stated in Section G.3, the slaughtering of chickens is prohibited he is for removing this language and replacing with “the slaughter is allowed for personal consumption only” and have it include all farm animals. Ms. Dussling asked if this is necessary for inclusion as the slaughter of animals is regulated by another agency. Mr. McMullan stated it is regulated by the Department of Agriculture. Mr. McMullan stated it is not needed; however, it is another level of enforcement. Mr. Bialek stated his concern is unless it is regulated by the Department of Agriculture, for health standards is if there is a private commercial entity slaughtering mass produced chickens and distributing or selling them. His recommendation is to add “slaughter for personal consumption is allowed, commercial use or distribution is prohibited.” Mr. McMullan stated if a complaint came to the Township it would be assigned to the Health Officer who would then report it to the Department of Agriculture. Ms. Dussling questioned enforcing odors and double bagging. Mr. Bialek stated there are environmental uses for the feces that can be maintained and if the ordinance can somehow be worded so that the disposal of feces if composted and other approved environmental ways is authorized. He believes this is what the public was looking for.

Mr. Richard Smith, 73 War Admiral Lane, stated he is confused (Inaudible from 1.06.36 - 1.07.00) he can't understand having chickens and wildlife in residential areas. He stated the problem is not the chickens but the roosters. (Inaudible 1.08.19 - 1.08.35) Ms. Dussling explained the farm animals are already existing, and many residents want to

maintain their right to have them. This ordinance is trying to work in some controls while not removing the public's right to own and raise farm animals. Mr. Smith believes this is beyond the scope of being neighborly and slaughtering should be managed by the health department. (Inaudible from 1.10.29 -1.11.33).

Ms. Ciuca asked if this covers chickens/fowl currently owned and Mr. McMullan stated they are grandfathered in. Mr. McMullan stated the noise emitted from the animals is addressed and will remain the same. These are amendments being proposed and a standalone chapter for animals. Council agreed on the keeping of roosters is prohibited. Council agreed on using the language of farm animals instead of exclusively chickens. Mr. Stump pointed out some issues such as feces removals is just under chickens and perhaps making it more of a general farm animals statement. Mr. Bialek stated the whole statement is getting removed. Mr. Stump pointed out Section G.6 "all owners of chickens" ... and change it to "all owners of farm animals." Council agreed this is fair. Ms. Dussling asked about the section regarding the double bagging being removed and where else is it in the ordinance. Mr. McMullan stated it is addressed elsewhere in the ordinance, but it is being extracted and singled out for chickens based on complaints received over the past two or three years. He stated they looked at other municipalities to see what they were doing and that is where they got the double-bagging idea. He added that a couple people brought up the good usage of chicken feces, hence striking it.

Mr. Penning stated what struck him is the existence of avian flu. There is an epidemic in this country and Pennsylvania is a hotspot. He understands people have historically had chickens and the Township should grandfather those but the raising of chickens in residential areas could be a problem in terms of spreading avian flu. He stated there is transmission from birds to humans. The Township should be concerned about health effects. He was looking up on the CDC website that cases in which the flu has spread is in the droppings. Ms. Dussling stated the Township has ways of communicating to residents how to mitigate such risks. She thinks if the Township would try to prohibit the raising of chickens there would be much public outcry from a property rights standpoint. Mr. Penning thinks some type of inspection for homeowners who want to keep chickens for sanitary purposes be considered. Ms. Dussling asked what the Township has in place in case of any such concern and Mr. McMullan stated the first course of action is the Township Health Officer doing an inspection and handling it at the local level or reaching out to the Department of Agriculture for guidance and possibly enforcement at that level.

Jose Vergara, 3 War Admiral Lane, stated he appreciates Council's approach, which seems reasonable. He believes Council is thinking about property rights and the right to raise animals in safe conditions. This is a great thing for families to do when done responsibly. His understanding is for properties that are 1/2 acre with these amendments residents would still be able to raise chickens and other fowl, in his case ducks. Mr. Bialek stated a single-family dwelling on a 1/2 acre or greater is correct. (Inaudible from 1.21.26 - 1.22.26) Ms. Dussling asked if feral cats should be addressed.

Mr. McMullan stated when a feral cat is reported it will be turned over to the Brandywine Valley SPCA at considerable expense to the Township that is unrecoverable. The feeding

of any wild animal is prohibited in the ordinance but they wanted to pull out specifically feral cats because when they begin to breed and multiply the cats burrow under sheds etc. because they know the general feeding area and even if they are trapped, neutered and set free, they are still a nuisance resulting in the Brandywine Valley SPCA removing the cats and the Township being billed. Ms. Dussling asked for the fee and Mr. McMullan stated he does not have the amount broken down but it is a retainer amount and it is approximately \$200 plus per cat. Ms. Ciuca asked if this is a commonly occurring problem, and Mr. McMullan stated depending on the time of the year such as the colder months, the cats are looking to keep warm, so they are underneath sheds, porches, inside car engines, any place to keep warm. Ms. Dussling stated stray cats are an issue in the area. Ms. Dussling suggested that the proper thing for residents to do is to keep calling the SPCA.

Mr. McMullan stated they are looking to find some other option rather than calling the SPCA because then there will be an expense incurred by the Township. The problem is the cats are multiplying so quickly, and people are intimidated by feral cats and calling the Township resulting in calls to the SPCA. He fully understands people feeding the cats to capture and neuter and release. This is language they took from surrounding municipalities. He stated the cost of the services of the Brandywine Valley SPCA to cover their own overhead expenses is getting to be very expensive. Ms. Powell asked if it is a problem for people to trap the cats and relocate. Mr. McMullan stated if they want to trap the cats that is fine they are not going to enforce. (Inaudible from 1.28.37- 2.28.53) Mr. McMullan stated this is a common theme at the monthly Manager's meeting; how do you solve the feral cat issue. There is no solution and other municipalities are in the same situation Middletown Township is in. Ms. Dussling stated she doesn't know if this is the best way to address the problem. Mr. McMullan stated they can certainly revisit as this is just the draft being proposed. Ms. Powell stated she is leaning for more of the educational theme and less enforcement. Ms. Dussling suggested communicating to the community about how much it costs to engage the SPCA. Ms. Ciuca stated if someone is doing a trap, spay and neuter and release the Township should not incur the costs. Mr. McMullan stated the solicitor suggested downsizing the language and making it applicable when it needs to be enforced.

E. Ordinance No., 868, Chapter 235, Vehicles and Traffic, continued until January 22, 2025.

Mr. McMullan stated before Council for review is Ordinance No. 868 which is being removed from the Zoning Ordinance and being a standalone ordinance to provide for more staff oversight and to have a simpler, streamlined process for enforcement. It softens the burden on the person violating the ordinance. This was introduced at the December 18, 2024 Council meeting and had a great deal of discussion. He received some subsequent e-mails as a follow-up to the meeting from members of Council and the public. Mr. Stump provided some input in terms of revisions. In particular this ordinance looks to define antique car for which an antique or classic license plate has been issued by the Commonwealth of Pennsylvania, junk vehicle which is any vehicle so disabled, disassembled, dismantled or damaged as to being capable of being used safely for its intended purpose and is left in such condition for 30 days or more, vehicles stored for their parts or scrap, and a recreation vehicle which is built on a single chassis designed to

be a self-propelled or permanently towed by a light duty truck, not designed for use as a permanent dwelling, but as a temporary living quarter for recreational camping, travel, or seasonal use, snowmobiles, mini bikes, all-terrain vehicles, go carts, golf carts, boats and trailers are also deemed to be recreational vehicles.

The introductory paragraph stimulated some discussion, so Council decided at the meeting to table it to a date certain of January 22, 2025. Ms. Dussling stated she understands certain issues have come up to the Township but in regard to junk vehicles there should be some kind of in-between such as people working to restore a vehicle and it is not at the point to be drivable. These vehicles can be worked on for many months before they are drivable or registered as an antique or classic car. She is worried about the in-between. Mr. McMullan stated this is not the purpose of the ordinance. The Township doesn't go riding around looking for these situations, but the Township must have some type of oversight in terms of enforcement. When staff are going out to enforce what is considered a junk car it is pretty clear what a junk car is as opposed to a car that is being worked on and parked in a driveway. Staff can see it is being worked on and not a car that has weeds growing out of the engine. The Township has come across situations where there are four, five, or six cars that haven't moved in 10-15 years on the property. It is clear those are junk cars. Typically, neighbors are not complaining about cars that are covered, there is air in the tires, and is being actively worked on or restored. It is pretty clear from an enforcement standpoint, what is a junk car. He stated he agrees, the definition doesn't necessarily equate to the way Ms. Dussling described it.

Mr. Bialek stated he can give examples of where he has used a donor car to create another vehicle and the donor car sat for more than 96 hours as he is taking off fenders and other pieces to put on a future registrable vehicle. He agrees that if a car hasn't been touched in months, 96 hours is not a good description of a junk vehicle. Mr. McMullan stated they can certainly strike out the 96-hour period. Mr. Bialek stated he agrees that in the way it is described as having not been touched and has clear evidence such as vegetation growing through it is clear evidence of a vehicle having not been touched and is an unattractive nuisance.

Ms. Ciuca questioned Section B.3, where it lists an exception is a car being reconstructed for the purpose of qualifying as an antique car. Ms. Dussling added it should not be limited to antique cars. Ms. Ciuca stated she thinks 96 hours is too short a duration. Ms. Dussling stated she prefers the idea of 30 days without any activity. Her husband and father-in-law worked on their hot rod for several years before it was ready to be driven. Mr. Bialek stated this will become enforceable when a neighbor complains that a car hasn't been touched in three years and it is now a visual nuisance. He agrees with the point of without activity is a good point. Mr. Bialek suggested they check with other municipalities to see how they handle junk cars; someone has had to have dealt with this already and created verbiage that the Township might be able to use. Mr. McMullan stated he will take a look at this.

Ms. Dussling asked if there was also question about storage of recreational vehicles. (Inaudible from 1.43.03 - 1.43.56) Mr. Stump stated in Section 235.14.A he questions the

definition of storing a recreational vehicle. He would like residents to be able to park their RVs after a trip. Ms. Dussling asked what is the purpose behind restricting this to begin with, why are they looking to restrict someone from parking their own RV in their own driveway. Mr. McMullan stated they are not looking to restrict parking on their own driveways, but to have them screened from adjacent properties. It could be the side of the house that blocks the view, shrubs, or parking to the rear of the property, or a carport. He is not looking for anything overly complicated, just to reduce complaints from neighbors that they must view an RV. Typically, people can screen them by using their house structure. Ms. Dussling stated she can think of a number of individuals who don't have the option of storing it in the side or rear yard or screening it. Mr. McMullan stated this is how the ordinance is currently written and it is not an overall issue. Mr. McMullan stated they are attempting to have a discussion on the storing of RVs. Mr. Bialek stated this section was not newly created the only newly created section was on the junk vehicles. So, this is currently how it exists in the Zoning Ordinance which is being removed to create a standard-alone ordinance so that the Township can efficiently and better manage junk cars. Mr. Stump asked what the Township is to do in situations where people are driving the RV up to their house just to load up for a trip., that's not storing. Mr. Bialek agreed they need to define storing. What is a person to do if they are visiting for a two-day period? Mr. Bialek stated he believes storing could be defined as 60 days or more.

Ms. Donna Thompson, 18 Soldier Song Lane, and also representing the Riddlewood/Sunnybrea community, stated there are several residents in the neighborhood that have RVs of all different sizes and shapes as well as boats. She can only speak to her neighborhood and how driveways are designed, there are a number of homes that it would be impossible to park beside the house where it hides your RV or even behind your house. There is just no access. There are people with high driveways. She has a very small RV and is able to hide it, but the ordinance does not make sense to her. There are people that come into these neighborhoods to be able to park their RVs in their driveways because it costs a lot of money to find other parking and accommodations for your RV. We have properties that cannot accommodate the restrictions that are listed. She would like Council to consider how they are wording this ordinance. Ms. Powell suggested it should be broken down by neighborhood how they want to handle this issue. Ms. Dussling stated she understands how staff would want something in writing to help with enforcement, but does it even need to be in writing. She considered this to be a neighbor issue if someone complains. Ms. Ciuca stated it is not the Township's responsibility to police this issue. There might be a situation where they need some structure, but she would like it to be pared down as discussed.

Mr. McMullan stated if a family was living in an RV it would be a zoning violation. He said in most cases, people have very presentable RVs, the screening is not unique to Middletown Township, it is in other municipalities. Removing any language about screening doesn't give the Township ability to enforce. If removed, it might come back at a future meeting whereas there is this vulgarness on an RV. Ms. Dussling asked if there was something in the books that would prevent someone having a sign in the yard that is vulgar. Mr. McMullan stated there is a sign ordinance that prohibits vulgarity. Mr. Stump stated he would be inclined to remove sections A and B. Mr. Bialek remarked on the

different structures of homes in the Township this makes it restrictive to some areas. Ms. Dussling stated she does not like governmental restrictions based on two neighbors' disputes. Mr. McMullan asked to consider language "recreational vehicles may not be stored on a public street." Mr. McMullan stated one other point of discussion which was reviewed by staff for consideration is Section 235.15 B.2 "vehicles designed for farming when stored on an active farm." They are exempt from restrictions on keeping and storing junk vehicles. They are looking to strike this from the ordinance. Ms. Dussling stated Council will see this at the January 22, 2025 meeting.

7. COUNCIL WORKSHOP ITEMS:

A. Review: Resolution 2025-01, Middletown Township Emergency Operations Plan.

Mr. McMullan stated for workshop is Resolution 2025-01, The Middletown Township Emergency Operations Plan which is an annual operations plan which is due to be submitted by municipalities to the Delaware County Emergency Services Department which is completed by the Township's Fire Chief/Director of Public Safety. Chief Rigby stated this is an overview of procedures handbook. It has guidelines on how the Township responds in different situations. This is mandated by the state under Title 35. The document has been prepared with updates from facilities and contact information. There will be a proclamation from Council which will be on the agenda for January 22, 2025.

B. Review: Council Review of Zoning Hearing Board Applications:

- 1) Application 2025-01: Applicant AMA Services LLC, 1232 W. Baltimore Pike, seeking variances from Chapter 275, Article XXXII, Signs, zoned B-General Business.

Mr. McMullan stated Council does not need to take action on this but to decide if representation should be sent to the Zoning Hearing Board meeting. The first application is 2025-01, AMA Services, LLC, 1232 W. Baltimore Pike. They are seeking several variances from Chapter 275, Article XXXII, Signs, in a B-General Business district. This application goes back to 2021 and there are a lot of moving pieces that are related to the development. This property sits back and was called Gillespie Plumbing. It is right next to the WSFS property. There are two buildings, and in 2021 the applicant submitted a permit application to reinstall signs. In this zoning district they are permitted a wall sign and a free-standing sign. There were several communications between the applicant and staff and sometime in 2024 the applicant installed two free standing signs. The free-standing sign on the Baltimore Pike side constitutes as two signs because it doesn't satisfy the distance between the parallel signs the distance between the two of them.

The way the zoning is written, it is actually two signs on one standard. So, in total there are three standing signs on the property which is currently a violation of the zoning code. A zoning enforcement was sent in November and the applicant reached out to the Township prior to issuing a citation. The applicant was told if they filed the proper paperwork for a variance the Township would suspend the issuing of the citation. It is an involved case; the applicant is being represented by an attorney because they feel differently about the zoning. They feel they should be able to have

the two free standing signs and a wall mounted sign. Council decided to send representation to the Zoning Hearing Board meeting. Mr. Bialek asked about the statement “deemed approved,” and Mr. McMullan stated the applicant feels it is deemed approved because the permit fee check was cashed. This does not constitute deemed approved. In terms of commercial properties, the universal construction code requires a 30-day response period. There was subsequent communication with the applicant and no response from the applicant. Mr. Bialek stated it appears due to neighboring construction the original signs were taken down requiring them to get a permit for a sign that was taken down not of their own accord.

- 2) Application 2025-02: Applicant Yeha Noha, LLC, 3 Foxwood Lane, (aka 205 Fox Road), seeking variances from Chapter 275-180, steep slopes, zoned R-2.

Mr. McMullan stated the second application is 2025-02, Yeah Noha, LLC, 3 Foxwood Lane, aka 205 Fox Road because this is the way it is listed on the County’s real estate website. The applicant is proposing relief from steep and very steep slopes along the road frontage of the existing lot. The applicant needs to locate a driveway, and this would result in retaining walls to access a proposed house across very steep slopes and the need to position a portion of the house within a steep and very steep slope. There is no viable way to build a house on this lot without the disturbance of steep and very steep slopes. Notification was sent to the immediate properties impacted with no response. This project will require retaining walls and will require a lot of grading overseen by the Township Engineer. Council did not feel the need to send representation to the Zoning Hearing Board meeting.

8. ITEMS FOR APPROVAL:

- A. Approval of January 8, 2025 Bill List.  
 Ms. Dussling read the Bill List aloud.

<b>GENERAL FUND</b>		
Kelly Engineers and Surveyors	Monthly Engineering Services	\$ 23,528.00
Keystone Municipal Services	Monthly Building Inspections	\$ 10,650.00
Linn Architects	Promenade at Granite Run	\$ 27,199.25
Middletown Fire Company	Fire Fighter Incentive	\$ 11,455.13
Opdenaker, Inc.	Monthly Recycling	\$ 49,862.50
Petrikin Wellman Damico Brown	November & December Legal Services	\$ 23,266.05
Rocky Run Fire Company	Fire Fighter Incentive	\$ 6,557.12
Summer Consultants	HVAC	\$ 25,000.00
Joseph J. Danielle, LLC	Roosevelt Playground	\$ 12,725.50
		<b>\$ 190,243.55</b>

<b>CAPITAL RESERVE</b>		
Joseph J. Danielle, LLC	Roosevelt Playground RFP 04 & RFP 05 (Final)	\$ 269,185.74
Kelly Engineers and Surveyors	Monthly Engineering Services Roosevelt	\$ 5,335.69
Richard Pierson Construction	TRID Pedestrian Trail RFP 08	\$ 254,619.00
		<b>\$ 529,140.43</b>
<b>ESCROW</b>		
Kelly Engineers and Surveyors	Monthly Engineering-Variou Escrow Projects	\$ 6,040.75
		<b>\$ 6,040.75</b>

Mr. Stump made a motion to approve the bill list. Ms. Donnelly seconded the motion. The motion carried with a vote of 7-0.

Ms. Dussling adjourned the meeting at 9:18 pm.

Respectfully Submitted,



Sharon Browne