

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
FEBRUARY 24, 2020

Minutes of the Regular Meeting of Township Council held on February 24, 2020 at 7:03 p.m. in the Township Administration Building located at 27 North Pennell Road.

Present: Stephen Byrne, Bibiana Dussling, Mark Kirchgasser, Kathleen O'Connell-Bell, Susan Powell, Walter "Bok" Read, Norman Shropshire, Andrew Haines, Donald Petrosa, Esq., Eric Janetka

1. OPENING

Chairman Mark Kirchgasser called the meeting of the Council to order at 7:03 p.m. and led in the recitation of the Pledge of Allegiance to the Flag.

Mr. Kirchgasser asked if anyone was videotaping the meeting. Mr. A.G. Ciavarelli, 301 New Darlington Road, stated he was videotaping the meeting.

2. APPROVAL OF MINUTES

Mr. Read made a motion to approve the amended minutes of January 27, 2020 and Mrs. Powell seconded the motion. The motion carried with a vote of 7-0.

Mr. Byrne made a motion to approve the minutes of February 10, 2020 and Mrs. Powell seconded the motion. The motion carried with a vote of 7-0.

3. PUBLIC COMMENTS

Mr. A.G. Ciavarelli, 301 New Darlington Road, stated the last couple of agendas for the Comprehensive Plan Task Force did not have the draft copy of the sections being discussed. He asked if the Township could continue to include these sections with the agenda and add the missing chapters. Mr. Haines stated the Township's Social Media Digital Content team member transitioned to a full-time job and this was an omission that staff will correct.

4. REPORTS

A. CHAIRMAN

Mr. Kirchgasser stated he attended an event at the Roosevelt Community Center for the Middletown Free Library announcing its capital campaign with a goal to raise \$1 million. He stated this was a grand way to kick off the fundraising activities and wished the Library all the success.

B. COMMITTEE - Land Planning, February 24, 2020 at 6:00 p.m.

Mrs. Powell stated there was a Land Planning Committee Meeting earlier this evening. She stated they discussed the Re-zoning of a property along the Baltimore Pike corridor. She stated they also discussed changes to the Electric Permit Fees.

C. MANAGER

Mr. Haines stated he was asked to comment on Sunoco's notification of work to be performed. He stated staff posted on the website Thursday for work that was started on Friday and throughout the weekend for maintenance, specifically the purging of the 12-inch line and the continuous 24/7 pull of the 20-inch line. Mr. Haines stated legally these

activities do not require notifications from the PUC or DEP. He stated the Township works with Sunoco to try to provide better notification to the community, and Sunoco makes direct contact with residence immediately surrounding the Glen Riddle valve station when they have certain types of activities. He stated this information continues to be posted on the Township website. He stated Sunoco roughly used a 500-foot radius of the valve station to notify the residents. In the case of the Tunbridge Apartments, Sunoco will notify the management company. He stated the residents of Martin's Lane have been notified. Ms. Dussling stated the work took longer than expected and they will need another day to complete the maintenance. Mr. Haines stated this is correct and notice was posted today to the website. He stated Sunoco is working within normal time parameters of 7am to 9pm.

Mr. Haines stated a report was sent to Council regarding upcoming legislation in committees now in Harrisburg. One bill created changes on work comp that may impact insurance coverage for volunteer fire companies. Gov. Wolf again introduced a version of per capita fees for municipalities using PA State Police services that should be monitored. Lastly, Mr. Haines stated another bill would allow municipalities to charge hourly rates for commercial solicitation within the Right to Know Law. He stated an example is a fence companies that request a list of all swimming pool permits. Mr. Kirchgasser stated this is a legitimate bill and amendment to the RTKL. He stated there is a loophole in the law that allows this to happen and if legislation is approved, this will close the loophole and allow reasonable rates to be charged for the information.

D. ENGINEER - NO REPORT

5. PUBLIC HEARING - N/A

6. OLD BUSINESS - N/A

7. NEW BUSINESS

A. Middletown Township Historical Society: 2019 Year in Review.

Ms. Sue Mescanti stated she would like to introduce the Historical Society to the new members of Council and invite all to visit the Museum at the Roosevelt Community Center. She thanked Council for their continued support. She mentioned the services of Township staff facility manager Mr. Knox. Ms. Mescanti stated there were a total of six exhibits last year. She stated the year started in February and March with a display of Boy Scout and Girl Scout memorabilia. She stated many former Scouts visited the display. Ms. Mescanti stated in June there was an exhibit of Penncrest High School mementos from the early years of 1959 - 1966. She stated 1959 was the first graduating class. She stated the display contained uniforms, pictures and documents. Ms. Mescanti stated in September Delaware County declared it the "Year of the Mills". She stated the kickoff was a special lecture hosted by the Historical Society at Lima Estates which was followed by a tour of mills in western Delaware County. She stated an exhibit opening featuring the history of all the mills in Middletown Township. Ms. Mescanti stated in October the permanent fire service exhibit was expanded in conjunction with Middletown Fire Company's Fire Prevention week. She stated also in October near Halloween, an exhibit was opened featuring pictures and stories about haunted houses in Middletown

Township. She stated the exhibit included vintage Halloween candy containers and decorations. Ms. Mescanti stated the year ended with the opening of the Franklin Mint Time Capsule Reveal. She stated over 125 people attended and viewed the contents and heard the story of the retrieved capsule. An exhibit opened showing the history of the Mint which included special guests and many display posters. Ms. Mescanti stated for the 6th time in 10 years the Society received the 2019 Heritage Commission of Delaware County Award for Special Projects with the Scouting Exhibit. She stated this is the ninth year of successful Middletown Mondays programs which average 75 attendees.

She stated they have improved communication and are accepting donations. They are continuing to update their website and Facebook page. She stated the Society met with the new Parks and Recreation Director, Jennifer Maull, and are looking forward to working with her. Ms. Mescanti stated as a member of the Comprehensive Plan Task Force she can identify local historical resources and developing preservation standards. She stated in conjunction with Black History Month, they are featuring the Honeycomb UME Church. She stated the idea that Mr. Shropshire, Mr. Kirchgasser and all the members of Council had to make Roosevelt School a community center is now a certainty. She stated in 2017 they were the only occupants and now it is a bustling building and when the Library arrives it will complete the Community Center. Mrs. Powell asked what the exhibits for 2020 will be. Ms. Mescanti stated they will continue to exhibit the Scouts and are planning an exhibit showcasing local developments such as Highmeadows and Riddlewood. Ms. O'Connell Bell asked if the handout could be posted on the Township website. Mr. Haines stated they can post it and explained that the Historical Society is linked to the Township website. Mr. Kirchgasser stated they attended the meeting for the Library renovations, and they are approximately 95% completed in the design which will then lead to the construction phase. He asked if the Society will be closed during construction and Ms. Mescanti replied they will remain open.

B. Consideration to Authorize: Rejection of all Bids: 12 Glen Riddle Road, Stormwater/Infrastructure Project.

Mr. Haines stated Township staff, through engineers Kelly & Close, completed a public bid opening for 12 Glen Riddle Road. He stated the lowest bid was in the amount of \$156,608.40 which is approximately 2 - 3 times greater than estimated. He stated if the project were to be awarded, it would not be an efficient use of funds and could eliminate other 2020 stormwater projects. Due to additional erosion at the site, he stated portions of this project is now considered an emergency repair under provisions within the Township Charter, which waives competitive bidding for emergency work. He stated Eric Janetka has determined an area of severe erosion that cannot wait to be repaired. Mr. Haines stated in the future a mandatory site meeting would occur to outline the scope of work.

Mr. Kirchgasser asked if the projected stormwater work in other areas have been awarded. Mr. Haines stated they have not gone out to bid and he is concerned about what the market will present. He stated he is working with Eric to see what the Township can do on-site with an expert on-site. Mr. Kirchgasser asked if the Township would have an advantage by grouping the bids together. Mr. Janetka stated companies have so much

work now that there is no need to be competitive. Mr. Haines stated they will be reassessing all bid opening options. Mr. Haines stated the recommendation is to reject all bids and acknowledge the work outlined in the memo as emergency work. He stated under the Charter, Chapter 414.B(6) authorizes the waiver to go to non-competitive bids for emergency repairs. He stated if this has to go out to bid again, they are over 6 weeks delayed before returning to Council.

Mr. Ian Summerville, 18 Glen Riddle Road, stated he has a couple of concerns. He stated approximately 90 - 95% of the volume of the pipeline runs under his driveway and is reflected on the plans but is not a part of this project. He stated he can provide 30 years of documentation between prior homeowners and the Township. He stated the pipeline was fixed approximately 20 years ago by the previous owner. He stated he is trying to avoid going through this himself. He stated based on improving the infrastructure next door without improving what runs under his property is a concern. Mr. Janetka stated the purpose of the project is to replace a visually inspected issue with the existing system within an easement that was recorded to be under control of the Township. He stated the pipe he is referring to runs from the PennDOT right-of-way underneath a corner of his property and ties into 12 Glen Riddle Road. Mr. Janetka stated he is not aware of any easement on his property.

Mr. Kirchgasser stated Mr. Summerville may have an issue, but it does not approach the emergency level at 12 Glen Riddle Road. Mr. Janetka stated he does not know if he has a problem and it has never been investigated by the Township. He stated it is a private pipe that comes out of a PennDOT inlet system. He stated the Township would not maintain this inlet or the pipe that ties into the private property. Mr. Janetka stated the new system that is designed is larger than the system in place. Mr. Summerville stated the line that supplies is being ignored.

Mr. Haines stated this project moved forward only due to the fact that the Township permitted the pool at 12 Glen Riddle Road to be built over a portion of the Township easement. He stated there is no plan at this time to amend the pipe that is on Mr. Summerville's private property. Mr. Kirchgasser stated the Township is trying to find out if the easement the Township owns is impacted by or could be correcting some of his problem. Mr. Summerville stated you are talking about a plan that may or may not work. He asked if he is responsible. Mr. Janetka stated this is a PennDOT issue. Mr. Summerville asked to be directed to someone who could advise him who is responsible. Mr. Kirchgasser stated the Township should try to get PennDOT to inspect this pipe. Mr. Haines stated this is a private pipe at a homeowner's place to help mitigate surface water. He stated the starting point is to get PennDOT to look at this pipe to get an official answer. Mr. Kirchgasser stated this problem will not be solved tonight. He stated the Township will facilitate the meeting between all parties concerned.

Mr. Shropshire made a motion to reject all bids and acknowledge portions of the project as emergency repair as outlined in Mr. Haines' memo and Mr. Read seconded the motion. The motion carried with a vote of 7-0.

C. Consideration for Approval: Resolution 2020-09, Application for Traffic Signal Approval, Middletown Station Road.

Mr. Haines stated this is what SEPTA has submitted as the name of their access road and he stated Mr. Parker has done the reviews and approved.

Mr. Shropshire made a motion to approve Resolution 2020-09 and Mr. Byrne seconded the motion. The Resolution was approved by a vote of 7-0.

D. Approval of February 24, 2020 Bill List.

Mr. Kirchgasser read the bill list aloud.

GENERAL FUND		
Aqua Pennsylvania, Inc.	January Hydrant Bills	\$ 9,375.86
CJ Tree Experts, LLC	Tree Removal	\$ 7,500.00
Kelly & Close Engineers	Professional Services 12/28/19 -1/24/20	\$ 12,487.19
Keystone Municipal Services, Inc.	Contracted Services - January	\$ <u>8,400.00</u>
	General Fund Total	\$ <u>37,763.05</u>

Mr. Shropshire made a motion to approve the bill list and Mrs. Powell seconded the motion. The motion carried with a vote of 7-0.

Mr. Kirchgasser adjourned the meeting at 7:45 p.m.

Respectfully Submitted,



Sharon Browne