

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
FEBRUARY 25, 2019

Minutes of the Regular Meeting of Township Council held on February 25, 2019 at 7:00 P.M. in the Township Administration Building located at 27 North Pennell Road.

Present: Stephen Byrne, Scott Galloway, Mark Kirchgasser, Susan Powell, Walter 'Bok' Read, Andrew Haines, Don Petrosa, Esquire, Eric Janetka

Absent: Russ Carlson, Norman Shropshire

1. OPENING

Chairman Mark Kirchgasser called the meeting of the Council to order at 7:00 p.m. and led recitation of the Pledge of Allegiance to the Flag.

2. APPROVAL OF MINUTES - N/A

3. COMMENTS FROM THE PUBLIC

Mrs. Susan Masters, 6 Laurel Lane, thanked Mr. Kirchgasser for being the spokesperson for the Township regarding the ME2 project. She stated it is an arduous task and once again thanked him. She stated she also wanted to thank Council for the benches at Sleighton Park. She stated she has a brand-new puppy named Scarlet and they use the park often. Mrs. Masters gave a copy of an article in the newspaper regarding rain gardens and commented on enforcement of stormwater on land developments. She stated she is already getting runoff of stormwater onto the properties of Laurel Lane.

Mr. Kirchgasser stated stormwater improvements are a requirement for approval. Mr. Janetka stated he is aware of her concerns and the gardens are designed and the process is being tightly monitored.

Mr. Kirchgasser asked if anyone in the audience is recording the meeting. There were no recordings being made.

Kelly Johnson, 711 Iris Lane, thanked Council for letting her attend the Land Planning Meeting. She stated she got a deeper appreciation of the important decisions the Township is faced with on projects. She stated she hopes Council will look carefully at the Riddle Hospital expansion, which is increasing the impervious area and will detract from the pedestrian nature of the Promenade if there are not adequate setbacks and pedestrian access. Ms. Johnson asked regarding the planned development on the Elwyn tract, why the Township is considering another age restricted development. Mr. Kirchgasser asked if she is referring to the Sleighton parcel and Ms. Johnson stated the Sleighton parcel in particular and other properties being developed. Mr. Kirchgasser stated the current zoning for the property is a Continuing Care Retirement Community. Mr. Joseph Riper was present, representing Elwyn, stated historically the thought is that any development should be low-impact development and not increase the burdens on the school district. He stated the age restricted community serves two purposes, it is low-impact and it contributes to the tax base without imposing any additional burden to the school district. Mr. Riper stated the project will be in both Middletown Township and Edgmont Township. Ms. Johnson stated she is worried about the long-term future of Middletown Township if there are

no young people or young families it will be an unbalanced Township. She stated in the Master Plan from years ago a survey stated one of the points from the people who took the survey listed too many retirement communities and not enough new housing options for others.

4. REPORTS

A. CHAIRMAN

Mr. Kirchgasser stated the Township is the proud parent of a brand-new fire truck. He stated it was delivered to Middletown Fire Company three weeks ago that is currently being lettered. He stated once it is able to move, training will begin. He stated it is a Township owned apparatus and if anyone wanted to stop by the members will be proud to show it off.

Mr. Kirchgasser stated he attended a tabletop exercise that facilitated a daytime incident near the Glenwood Elementary School. He stated a County Emergency Management Services Team as well as the Township's Emergency Coordinator, Bob Drennan, devised an incident for 2:00 p.m. with the Fire Departments, School District, State Police, Riddle Emergency Services and Township staff. He stated the exercise went well. He stated it was not perfect which is a great thing, as now it is an understanding of where the gaps are and how to make improvements.

B. COMMITTEE - Land Planning Committee, February 25, 2019 at 5:45 p.m.

Mr. Galloway stated there was a Land Planning meeting earlier this evening and there were two items on the agenda. The first item was a proposed new building and parking garage at Riddle Hospital. Mr. Galloway stated the second item was Elwyn's plan for approximately 27-acres of land to be developed on the Sleighton property. He stated this is a proposed PRD age-restricted living area.

Mr. A.G. Ciavarelli, 301 New Darlington Road, asked where the development is being done at the Riddle Hospital. Mr. Galloway stated the area being developed is the parking lot in front of the hospital for the building and the thrift shop will be the proposed new parking garage.

C. MANAGER

Mr. Haines stated Barren Road was closed due to a downed tree that took out service. He stated Penncrest High School was closed due to the outage. He stated, weather permitting, the stripping of the additional turn lane at Rt. 452 and Rt. 352 should be in the next week. He stated the temperature must be above 40 degrees for the thermal plastics to adhere.

1. Draft User Fee Structure

Mr. Haines stated the memo is a draft concept a fee schedule for using Township facilities. He stated there is a very limited fee structure at this time. He stated the Roosevelt School is growing in demand. He stated some of the discussion is whether to open the facility for private use such as birthday parties or baby showers. He stated prior to having a resolution before Council, the memo is an initial effort to have a discussion on what may or may not be a reasonable. He stated he welcomes Council's feedback. Mr. Haines stated that some of the groups are small and the \$15 charge

may be cost burdensome to the group. He stated that one group, The Red Hat Society, sponsor the Golf Outing and community support could be an alternative to direct fees. He stated the staff is trying to find a reasonable balance. Mr. Kirchgasser stated Council will take the memo under consideration.

- D. ENGINEER – Mr. Janetka provided a written Engineer Summary Report - SEE ATTACHED. Mr. David Irving, Pembroke Drive, asked what has been done on Phase 1 of the Smedley Park, and Mr. Janetka commented it will conclude in April. Mr. Janetka stated Phase 1 was the construction of the stormwater management controls for stages 2 and 3 of the project and all the sediment basins and sediment controls for the future phases of the project. He stated Phase 2 is the earthwork and grading associated with the field construction and the parking lot construction. He stated Phase 3 will be the installation of parking lot and paving and the trails. Mr. Janetka stated the start date will be approximately the end of the year. Mr. Haines stated depending on the completion of Phase 1 and the estimate of a bid on the grading for Phase 2, this could be funded multi-year or presented to Council for consideration. Mr. Kirchgasser stated it is Council's hope to get the site improved.

5. OLD BUSINESS - N/A

6. PUBLIC HEARING

- A. A Public hearing on a Conditional Use for Mills at Glen Riddle, LP, 312-316 S. Pennell Road, consideration for daycare operations within Building 500 at existing location.

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- i. Consideration to Authorize Conditional Use for Mills at Glen Riddle, LP and permit daycare operations. Mr. Galloway made a motion to continue the Public Hearing until March 25, 2019 and Mrs. Powell seconded the motion. The motion carried with a vote of 5-0.

7. NEW BUSINESS

- A. Consideration for Adoption: Ordinance No. 803: to purchase \pm 80.992 Acres of Land in Middletown Township being located on the Northwest Corner of Forge Road and Valley Road. Mr. Kirchgasser stated the Township has entered into an agreement in principal with Elwyn to purchase approximately 81-acres of farmland at the former Sleighton Farms School. He stated the parcel runs north from West Forge Road to Valley Road to the Edgmont Township line and west along West Forge Road to the properties of Hansen Quarry and north to the Edgmont/Thornbury Township line. He stated the purchase price is \$7.525 million. He stated the Ordinance is before Council to complete the agreement of sale, and Council plans for approval through a referendum on the May 21, 2019 primary ballot, at which point voters will make the decision as to acquire the open space.

Ms. Kelly Johnson, 711 Iris Lane, asked what are the intended uses of the property? Mr. Kirchgasser stated the area will be used as passive recreation, open space, hiking, trails and possibly one or two fields. He stated prior to May 21, 2019, there will be an open house to show the public the land they will be voting on. Ms. Johnson asked if the Township will pursue a conservation easement to preserve the property. Mr. Petrosa stated the Township will have

control on the use of the property. Ms. Johnson asked if the acquisition includes costs for maintaining the land. Mr. Kirchgasser stated the acquisition will be transactional and any maintenance will be on the Township budget.

Mrs. Masters, 6 Laurel Lane, asked for the location of the parcel. Mr. Kirchgasser demonstrated on a map the location. Ms. Masters asked if there are buildings on the site and will they be demolished. Mr. Kirchgasser stated there are three homes on the property of which two are in disrepair.

Mr. Jack Masters, 6 Laurel Lane, stated he was in the area and asked if Council was aware of a trailer filled with deer kill. He stated there is a firewood business being run on the property. Mr. Kirchgasser stated he was unaware, and Mr. Riper will let his client know. Mr. Riper stated the firewood business is on the Edgmont Township property.

Mr. John Savelloni, 372 W. Forge Road, asked if the Township does not buy the property, is Elwyn free to sell to a developer to build homes. Mr. Kirchgasser stated it is up to the residents to make the decision to buy the property. He stated if they chose via the electorate not to purchase the property, Elwyn has indicated they want to develop with single family homes. Mr. Savelloni asked if the \$7.5 million-dollar price tag is the market value of the property. Mr. Kirchgasser stated the amount is the appraised value of the property and the Township cannot pay more than the appraised value of the property.

Mr. Tony D'Amato, 106 Valley Road, asked how is this property appraised and if he could have a copy of the appraisal? He asked if the referendum passes, will there be a bond, and will the bond and professional fees go out to bid? He asked if there is a budget for maintenance. He stated Elwyn has been derelict in letting the property go. He stated the Township should have been after them and the property is a public nuisance. Mr. Kirchgasser stated pending the approval, all documents will be available on-line.

Ms. Susan Burkhoff, Forge Road, asked what will be the language on the referendum. Mr. Kirchgasser stated a resolution will be introduced to put the referendum on the ballot and the language will be in this resolution. He stated prior to the vote information will be sent out to residents and he stated there will also be an open house.

Mr. A.G. Ciavarelli, 301 New Darlington Road, stated he is looking forward to having the space preserved. He asked if there is any possibility of purchasing the "red shaded" area (on the map viewed at the meeting). Mr. Galloway stated that area was the subject of the Land Planning Committee meeting and was proposed for a PRD for age-restricted housing. Mr. Ciavarelli asked if it was ever considered to purchase this "red shaded" area. Mr. Kirchgasser stated Elwyn has presented the Township many puzzles with how to mute the impact of their liquidation of assets. He stated if they go all in at Sleighton, it may limit the options when they present their proposals for the Main Campus. He stated Council is trying to be smart about addressing the impact.

Mr. Galloway made a motion to adopt Ordinance 803 and Mrs. Powell seconded the motion. Ordinance 803 carried with a vote of 5-0.

B. Consideration for Approval: Resolution #2019-21, adoption of the Township Personnel Manual.

Mr. Haines stated, as outlined by Ordinance #800 that Council approved to amend the Township Code to be compliant with the Charter with the intent to create a stand-alone personnel manual, that Resolution 2019-21 will adopt the Personnel Manual and future versions shall be amended by resolution. Mr. Haines stated the Manual standardized and maximized all administrative departments to work from 8:00 AM to 4:00 PM by reducing the lunch hour to 1/2 hour it will expand the time staff is available to the public. He stated staff has been working on the documents for months. He thanked all the attorneys in Mr. Damico's office for reviewing the document. He stated the document has also been reviewed by Labor counsel for compliance.

Mr. Galloway made a motion to approve Resolution 2019-21 and Mr. Byrne seconded the motion. Resolution 2019-21 carried with a vote of 5-0.

C. Consideration for Approval: Resolution #2019-22, disposition of Township records.

Mr. Haines stated staff continues to digitize records and review records deemed no longer of use for public or archival purposes to be disposed. He stated the records listed on the back of the Resolution are to be disposed of according to the Municipal Records Manual.

Mr. Galloway made a motion to approve Resolution 2019-22 and Mr. Read seconded the motion. Resolution 2019-22 carried with a vote of 5-0.

D. Consideration to Award Contract for RFP: Asbestos Removal at Roosevelt School- West Wing with Sargent Enterprises for \$257,624.

Mr. Haines stated this is the second effort to do an RFP for the asbestos remediation. He stated regardless of what the future redevelopment of the Roosevelt School looks like, the remediation must occur to allow for the safe use of the west wing. Mr. Haines stated the west wing is the newer wing dating from 1952. He stated on the first bid effort all bids were rejected due to technical issues. He stated there was a public bid opening on February 15, 2019. Mr. Haines stated they received ten bids and Sargent Enterprises is the responsible low bid of \$257,624. He stated Criterion Laboratories, Inc. reviewed the bid as the Township's third-party technical support on this project. Mr. Haines stated the second bid was approximately \$10,000 less than the first bid.

Mrs. Powell made a motion to award the contract for RFP; Asbestos removal to Sargent Enterprises and Mr. Read seconded the motion. The motion carried with a vote of 5-0.

E. Consideration to Authorize a change to 2019 Township Holidays and October Council Meeting.

Mr. Haines stated this is a request to remove and delete the current 2019 holidays of Columbus Day and General Election Day and reassign to Friday, July 5th and Friday, December 27, 2019. He stated this change will better align holidays for more effective and efficient

service delivery. He stated the removal of Columbus Day will allow for a normal second Monday meeting in October.

Mr. Galloway asked on the Christmas week what days would the Township building be closed. Mr. Haines stated the building will be closed Wednesday, Thursday and Friday. Mr. Galloway stated the building will be closed for three and one-half days. Mr. Byrne asked if Columbus Day will be rescheduled in the future. Mr. Haines stated it will not.

Mr. Galloway made a motion to approve amending the Holiday Schedule for 2019 and Mrs. Powell seconded the motion. The motion carried with a vote of 5-0.

F. Approval of February 25, 2019 Bill List

Mr. Kirchgasser read the bill list aloud.

GENERAL FUND		
Aqua Penna., Inc.	Jan. Hydrant Bills	\$ 11,508.00
Charles A. Higgins & Sons, Inc.	Repairs & Maintenance	\$ 10,113.46
Kelly & Close Engineers	Professional Serv. 12/22-1/25/19	\$ 34,366.79
Petrikin Wellman Damico Brown & Petrosa	Twp. Solicitor through 1/31/19	<u>\$ 11,230.00</u>
	General Fund Total	\$ 67,218.25
CAPITAL RESERVE FUND		
GO2 Tech, Inc.	Roosevelt School Imp. - Network	\$ 8,202.79
STATE AID FUND		
Eastern Salt Company, Inc.	Rock Salt	\$ 5,315.70

Mr. Kirchgasser adjourned the meeting at 8:00 p.m.

Respectfully Submitted,



Sharon Browne, Recorder