

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
MARCH 6, 2024

Minutes of the Regular Meeting of Township Council held on March 6, 2024, at 7:00 p.m. in the Township Building located at 27 N. Pennell Road.

Present: Carissa Ciuca, Jackie Donnelly, Bibianna Dussling, Susan Powell, Walter "Bok" Read, Christopher Stump, Mark Damico, Esq., John McMullan, Vince Visoskas.

Excused: David Bialek, PharmD, R.Ph, Eric Janetka.

1. OPENING: PLEDGE OF ALLEGIANCE TO THE FLAG

Ms. Dussling called the meeting to order and led in the recitation of the Pledge of Allegiance to the Flag. Ms. Dussling announced Council met in Executive Session prior to tonight's meeting to discuss ongoing legal matters.

2. APPROVAL OF MINUTES

A) Draft Township Council Minutes: January 24, 2024.

Ms. Donnelly made a motion to approve the January 24, 2024, minutes. Ms. Powell seconded the motion. The motion carried with a vote of 6-0.

B) Draft Township Council Minutes: February 7, 2024.

Mr. Stump made a motion to approve the February 7, 2024, minutes. Mr. Read seconded the motion. The motion carried with a vote of 6-0.

C) Draft Township Council Minutes: February 21, 2024.

Ms. Donnelly made a motion to approve the February 21, 2024, minutes. Ms. Ciuca seconded the motion. The motion carried with a vote of 5-0. Ms. Powell abstained from the vote.

3. PUBLIC COMMENTS

Mr. Bill Vargus, 309 Joseph's Way, stated several months back he was elected Chair of the HOA of Rose Run Estates which is the development on Joseph's Way off of Forge Road. Also with him is Gail Fogle who, with her husband Mike, ran the HOA for a number of years. He stated there is a situation with a property on the corner of Old Forge Road. In 2020 Pauline Thompson purchased the property which faces Yearsley Mill Road which is parallel to Joseph's Way. The actual address is 411 Old Forge Road and the property backs to Joseph's Way. The property owner has goats, goat houses, and something he can only describe as tumbleweed. Mr. Vargus stated it is an eyesore. One issue is the homeowner cut the brush that separates her property from Joseph's Way. Now every time he turns into his beautiful development he sees this eyesore.

Mr. Vargus passed out photos to Council. He stated at one point Ms. Fogel had quite a few conversations with Ms. Thompson which went nowhere. He stated once when he was driving down his street, he noticed a goat had escaped. He returned the goat and spoke with Ms. Thompson saying there is no gate on the property to prevent the goats from escaping. She then put two old doors in the place where there should be a gate. The HOA has tried to handle this situation themselves. At one point everyone on Joseph's Way contributed money

and they planted laurel trees which consequently died. They are considering installing a fence but there are a majority of residents who do not want to contribute any more money. Mr. Vargus stated he is hoping there is something the Township can do to fix this situation. He stated they are not against goats, but they do not want to see this eyesore every time they turn into their property.

Ms. Dussling asked if the pictures were taken from the perspective of Joseph's Way, and Mr. Vargus stated the doors face Old Forge Road. Ms. Dussling asked about the nature of the conversations with the property owner. Ms. Gail Fogle, 305 Joseph's Way, stated the property owner has had issues with an ex-husband which is an ongoing lawsuit. Ms. Fogle has asked her to clean up the property and at this point is unable to deal with her any longer. They spent thousands of dollars planting trees which the deer may have possibly eaten. Ms. Dussling asked if the property owner is not willing to change anything. Ms. Fogle stated the owner is angry with her because she wanted to put a goat structure on her property which was not within her property. She stated the Township forced her to move the structure.

Mr. McMullan stated Ms. Donnelly alerted him to the situation and advised Mr. Vargus may be attending tonight's meeting. Nevertheless, he stated Township staff did a drive-by of the location. According to the Township Ordinance, farm animals are permitted in this residential district. The acreage Ms. Thompson owns does permit animals. He stated they noticed the interior wire metal fencing and the exterior fencing. They obviously noticed the two doors and were unsure of the purpose those two doors were serving. In terms of buffering, they will review the overall property condition. Ms. Fogle stated the two ugly doors being used as a gate should not be permitted. Mr. McMullan stated he did not get out of the car and enter the property as he did not have permission so he could not determine what purpose they were serving. He stated they will do a follow-up and a more careful review. Ms. Fogle added there is tall grass and asked if there is an ordinance prohibiting this. Mr. McMullan stated the Township has a vegetation ordinance which addresses high grass and weeds. Mr. Vargus stated he spoke to the homeowner about the tall grass, and she stated the tall grass protects the bees.

Mr. McMullan stated the Township does not have a property maintenance ordinance so they are limited in some areas they can address. Ms. Fogle added if she could remove the doors and put up a proper gate that would be greatly appreciated. Mr. McMullan asked for their contact information. Mr. John Kolicus, EAC Committee, stated if the property is zoned to allow farm animals, it probably will allow pastureland which would be considered differently than a yard which is out of control. He added sheep and goats are often hired to eat vegetation because they will eat anything. Ms. Donnelly added there is another property on Old Forge Road that has a trailer for sale which is in their front yard. She asked if they could review and possibly have an ordinance that will address vehicles and items stored in a front yard. She asked if she could leave a note asking them to move the trailer and Mr. McMullan stated the Township left a business card but had not received a response but he would follow

up. Ms. Powell added there is also dumping in the area. Ms. Fogle stated she will talk to the homeowner and ask him to move the trailer.

4. REPORTS

A. CHAIRMAN: NONE

B. COMMITTEES:

FINANCE AND ADMINISTRATION

Ms. Ciuca reported the Finance and Administration Committee met on February 21, 2024, and reviewed the 2024 budget and discussed the fee schedule from the Roosevelt Community Center. They have not arrived at a final solution for the fee schedule but are in further discussions.

Mr. Stump added they hope to have a final solution for the fee schedule in a couple of weeks.

ENVIRONMENTAL ADVISORY COMMITTEE:

Mr. John Kolicus stated last year at this time they did a road cleanup. They are trying to schedule this again and they are partnering with the Chester Ridley Crum Creek Watershed group who are doing a major stream cleanup throughout the entire Crum, Ridley, and Chester Creek watershed. Two of the cleanup sites are in Middletown Township and some members of the committee will be at both sites to spread the word of what the committee is doing. One of the sites is being hosted by Green Weaver Landscaping, Jen Nichols. Ms. Dussling asked the date of the cleanup, and Mr. Kolicus stated the date is March 16, 2024. There are several sites available for volunteers to help. Ms. Dussling asked if this would be in the Township e-newsletter, and Mr. McMullan replied yes.

Mr. Kolicus stated a couple of people from the committee have been meeting with the Parks and Recreation Department regarding planning for Community Day to establish a green zone for vendors or community groups who want to present information about environmental topics. They are also working with food vendors to provide compostable packaging to minimize the waste generated. He stated, in the past, Wawa was able to donate water but they are looking to reduce waste such as water bottles, so they are looking into some type of a water truck so as to not have as many containers. They are looking to get Scout Troops to direct waste into the proper receptacles at Community Day and perhaps getting any compostable materials to Linvilla Orchards. Ms. Ciucca suggested that perhaps Wawa has refillable water bottles that are branded. He stated the committee is also looking to develop a community survey to get the word out to the public to see what people are really interested in related to the EAC. They are hoping to link the survey with the Township newsletter. They will also have hard copies available on Community Day.

Mr. Kolicus stated the topic for the Spring newsletter will be Stormwater Management

with clear information for the public. There are still two vacancies on the board. Ms. Dussling stated on tonight's agenda there will be discussion about filling the vacancies. She stated they have received three letters of interest. Ms. Dussling asked if the committee has considered working with the library as far as outreach to the public. He stated they could certainly reach out to the Library. Mr. Kolicius asked for clarification of where Community Day will be held; at Longview Park or the Roosevelt Community Center, and Mr. McMullan stated it will be held at the Community Center.

C. MANAGER

- 1) Update: SEPTA - Middletown Township, Aston Township, and Chester Heights Borough.

Mr. McMullan stated it appears that Urban Engineers is no longer interested in providing a proposal. The consultant he was engaged with since February or March of 2023 is no longer a consultant for Urban Engineers. He sent an e-mail stating Jacobs Engineering located in Philadelphia is interested. Contact information will be provided. Mr. McMullan reached out to Aston Township who provided the initial contact to see if they are able to provide an additional recommendation.

Mr. McMullan announced the Annual Easter Egg Hunt will be held at the Roosevelt Community Center at 10am on Saturday, March 16, 2024. More information will be provided in the newsletter and on social media in the next couple of days.

- 2) Update: Public Safety Director, Chief Bill Rigby

Chief Rigby announced the new response areas for fire company responses and mapping will go live on March 11, 2024. Both fire companies are finishing up the AFG Federal grant applications which are due on March 8, 2024. The fire companies have teamed up for a regional grant for Health and Wellness. The older Company 46 ladder truck that had the catastrophic breakdown is still at Fireline. The aerial has to undergo an inspection to meet all requirements by a third party. More information should be known by the next Council meeting. A social media page was launched for the Department of Public Safety to share information with the Township. Ms. Dussling asked the name of the page and Chief Rigby stated it is "Middletown Township Department of Public Safety". This may change in the future. He added the page is getting a lot of followers. Fire Truck fleet maintenance was budgeted, and he is working on a schedule to rotate the apparatus for maintenance and inspections. Both fire companies have enhanced their reporting and added modules that will help gather more data. Chief Rigby reported in January there were several storm related events. February was a slow month but is a good baseline for reporting activity. He stated there is an average of 14 volunteers reporting per call between the two stations.

D. ENGINEER:

See attached Engineer's Report - February 2024

Mr. McMullan reported Mr. Janetka was not feeling well this evening and added the Mint Trail has started. Tree clearing has taken place, and the contractor was scheduled to

mobilize equipment this week but due to the heavy rain that has been postponed to possibly next week.

5. PUBLIC HEARING: N/A

6. OLD BUSINESS: N/A

7. COUNCIL WORKSHOP ITEMS:

A. Review and Introduction: Ordinance 861, authorizing a cable franchise agreement between Middletown Township and Verizon Pennsylvania, LLC.

Mr. McMullan stated before Council for review and introduction is Ordinance 861 authorizing a cable franchise agreement between Middletown Township and Verizon Pennsylvania, LLC. This is a Verizon renewal agreement in which the Township engaged an outside law firm to assist with the renewal agreement entered into with five municipalities in 2018. The bulk of the renewal agreement items are; it is a five-year agreement, collectively the municipalities were hoping for a ten-year agreement, but Verizon no longer engages in a ten-year agreement due to the drastic changes in technology. Verizon, just like other cable providers, is challenged with people subscribing to streaming applications as opposed to cable. Therefore, as technology evolves, the standard across the country is to only enter into five-year agreements. Even though it took over six years to get to this agreement, Verizon is only offering a five-year agreement.

This agreement addresses franchise fee revenue, franchise fee accountability, and unilateral termination which is a major point as Verizon wanted to be able to separate services if they experience a significant decline in subscribers. Across the country Verizon is seeing a 20% decrease in cable subscribers due to streaming options. Verizon wanted a 60-day separation, but the municipalities got them to agree to a 12-month separation. The agreement addresses right-of-way protections. There are several rights-of-way in the Township so Verizon agreeing to conditions imposed by the Township in doing work in some of the right-of-ways is significant.

Verizon agrees on public service standards including free service to public buildings which also addresses the municipality buildings, fire companies, the library, Penn State University, and others. Mr. Stump asked if the agreement included the schools, and Mr. McMullan stated yes as well as Elwyn Institute, Easter Seals, and Williamson College of the Trades. Initially the municipalities looked at a public education component, but decided against this option because each municipality uses a variety of digital options to engage the public. The Township is required by federal law, state law, as well as municipal law as Verizon is the franchisee approved by the elected local body by ordinance to offer services in the Township. The ordinance is being considered to be properly introduced, advertised, and subsequently approved at an advertised Council meeting.

In terms of revenue the Township experiences through the fee schedule is that payments are broken up quarterly, and the Township realized approximately \$102,000 last year based on the prior franchise agreement. The Township is anticipating at least that level

for the next few years or at least until technology evolves and less people subscribe to cable service. Mr. Visoskas stated currently the Township is receiving 4% in revenue but will now be 3% according to this agreement. Mr. McMullan stated he will email the law firm representing the Township about the decrease from 4% to 3%. Ms. Dussling stated according to federal law the Township must establish a non-exclusive agreement with a cable company. Mr. McMullan stated per federal law Verizon is not permitted to provide services unless approved by a local municipality. Ms. Dussling asked if the residents still have Comcast, and Mr. McMullan stated yes but the Township is under a separate agreement with Comcast.

Ms. Ciuca asked if either of the companies have a problem with both operating in the Township as well as perhaps a third company, and Mr. McMullan answered no. Mr. Stump asked if Verizon mentioned expanding their footprint with the growth of different housing developments within the Township. Mr. McMullan stated this was initially addressed and they are agreeable to being able to accommodate new developments such as Franklin Station and Ponds Edge. Mr. Stump asked if the municipalities could put in a place holder for a possible new school, and Mr. McMullan stated he can request this addition. Ms. Ciuca stated according to Delaware County, the Detention Center on Rt. 352 is coming back on-line in the next couple of years and will that be included. Mr. McMullan stated he will ask for this additional language to be included in the agreement. Mr. Visoskas added federal requirements only address basic cable and any upgrades are not included. Mr. Stump asked since there are several suggested changes to the agreement does this need to be addressed before they make a motion to introduce the ordinance. Mr. McMullan stated Council can still vote on the motion to introduce the ordinance and the changes would be forthcoming before adoption. If Verizon is unwilling to make any changes he will address this with Council and adoption can be voted on at a later date.

Ms. Donnelly made a motion to introduce Ordinance 861. Ms. Powell seconded the motion. The motion carried with a vote of 6-0.

B. Review: Preliminary/Final Land Development for ACTS Lima Estates for a 1,173 sq. ft. addition to the Central Facility Building for physical rehabilitation and a therapy garden.

Mr. McMullan stated based on the timeline of submission for land development applications, application will be coming before Council three times. The first time is purely an introduction just to inform Council there is an application that has not yet gone before the Planning Commission. Typically, the engineer would provide a quick summary of the project at the first introduction. This would typically go before the Planning Commission next week, but the applicant did not provide proper notification to abutting properties. The applicant did not satisfy the requirements therefore they will be on the Planning Commission agenda in April. Council may not see this application until May. For all Land Development applications Council will see them three times firstly purely introduction, after Planning Commission meeting for Council Workshop meeting, and subsequently before Council for action

Mr. McMullan stated ACTS Lima Estates is proposing 1,173 square foot addition to the central facility building for rehabilitation and therapy garden, which includes an outdoor

area that includes ramps and steps for physical therapy and recovery. This application also includes an underground stormwater management facility that captures runoff from this addition, post 2012 (the year the Stormwater Management Ordinance was initially amended by the Township). It does not appear this addition will impact sewage effluent from the site, but this will be verified by the Township Sewer Authority. No permits will be required from the State or County for this project because they are not disturbing one acre of land. This land development application is relatively simple and the primary point to take away from this project is the improvement of stormwater management facilities to bring the overall site into compliance with the current Township Stormwater Management Ordinance.

C. Review: Resolution 2024-05, Disposition of Records Pursuant to the State Municipal Manual.

Mr. McMullan stated a resolution to dispose of records pursuant to the State Municipal Manual. They wish to dispose of CDL Random Selections 2016-2021, CDL Screening Results 2022, Job Applications Various Positions (Not Hired) 2018, 2019, 2021 and 2022, Hours of Work for Minors Under 18 for 2021 and 2022, Temporary Health Licenses 2019, Food Establishment Health Licenses 2019, Food Establishment Inspection Reports 2019, Public Bathing Places Licenses 2019, Public Bathing Places Inspection Reports 2019, 2107 Municipality Report of Elected and Appointed Officials and 2018 Municipality Report of Elected and Appointed Officials. The disposal of these records is in compliance with the State Municipal Manual. Ms. Dussling clarified these are the hard copy records and Mr. McMullan stated some of the records will be retained electronically and others will be destroyed permanently.

Ms. Powell made a motion to approve Resolution 2024-05. Ms. Donnelly seconded the motion. The motion carried with a vote of 6-0.

D. Review: Resolution 2024-06, application to Delaware County for the allocation of the 2024 Liquid Fuels Funding.

Mr. McMullan stated before Council is Resolution 2024-06, an application to Delaware County for the allocation of the 2024 Liquid Fuels Tax Funds in 2024 for the Municipal Road Improvement Program. In addition to the State Liquid Fuels Funds the Township receives, the County also receives liquid fuels which are a pass through. There is a formula that computes what Middletown Township is eligible for based on miles of roads, so the Township is anticipating the amount of \$20,385 for the 2024 Road Improvement Program. These dollars are added to the Township's Road Improvement Program which will take place later this year. Ms. Dussling asked how this amount compares with 2023 and Mr. McMullan stated 2023 was slightly over \$16,000.

Mr. Stump made a motion to approve Resolution 2024-06. Ms. Ciuca seconded the motion. The motion carried with a vote of 6-0.

E. Review and Discussion: Resident applications received for vacant positions on the Environmental Advisory Committee.

Ms. Dussling stated before Council for review and discussion is the resident applications

received for vacant positions on the Environmental Advisory Committee (EAC). Ms. Dussling would like a discussion on future applications for vacant positions and how they should be handled going forward. Mr. McMullan stated there are two open positions on the Environmental Advisory Committee and he has received three applications over the last two weeks. Before Council for discussion is the process to review and appoint applicants to vacant board positions. Ms. Dussling stated in the past the applications were presented at a regular Council meeting and voted on. Ms. Dussling asked members if they wanted to establish a review committee and if they wanted the applications to be presented at a Council meeting to be voted on.

Mr. Read asked is there a description of responsibilities for committee members. Mr. McMullan stated the website describes the EAC and information is also addressed in the Administrative Code which lays out the duties. Ms. Powell likes the idea of incorporating the committee's thoughts on the applicants. Mr. McMullan proposed the option of Council appointing a review committee which typically includes a member from Council, a member from staff and a member from the interested committee as situations like this arise. Ms. Ciuca stated the committee should be involved because they know what is needed for their particular committee.

Mr. Kolicius stated at least two of the applicants have been regular attendees at the committee meetings. He stated if put before the committee it could be awkward to discuss when they are in attendance. Mr. McMullan stated a recommendation will come from the review committee to Council to be voted on at a regular meeting. Ms. Dussling asked if they could vote this evening to establish a committee, and Mr. McMullan stated this would require amending the agenda. He stated he is not sure with the new legislation that they are outside of the boundaries in terms of what needs more than 24 hours of notification. Council could be in violation of the Sunshine Act if they did not properly provide notification to the public in amending this agenda. He stated this should be a talking point for tonight and listed as an agenda item on the March 20, 2024, Council meeting to appoint an Ad Hoc Committee to review the applications and provide input to Council.

Mr. Damico stated there could be a discussion on who should be appointed to the committee. Mr. McMullan stated Council can decide tonight who would be the representative along with the Township Manager or his designee and then reach out to the chair of the EAC for their recommendation. Ms. Donnelly asked if the committee would have to meet in person or a Zoom call, and Mr. McMullan stated it could be accomplished by a Zoom call. Ms. Dussling asked if there is a staff member in mind and Mr. McMullan recommended the staff liaison to the EAC, Jamie Jilozian. Ms. Dussling stated they could reach out to Stacy Teagan for her recommendation from the EAC committee.

Ms. Powell stated she would be happy to be a part of the Ad Hoc Committee. Mr. Read showed interest as well, and Mr. Damico stated they can have both members of Council on the committee. Mr. McMullan stated there could be four members, but typically odd numbers work best. Mr. Kolicius asked if this is an Ad Hoc Committee just for this

situation, and Mr. McMullan stated yes. Ms. Dussling added Council would reestablish a new Ad Hoc Committee if needed for other appointments. Ms. Donnelly asked if the applicants should be notified about this procedure, and Mr. McMullan stated he will notify each applicant about the process of appointment. Mr. Stump asked if the current vacancy is blocking any activities of the EAC, and Mr. Kolicius stated it is more difficult to reach out to other groups because there are only five members instead of seven but so far it has not impacted their activities. Ms. Ciuca asked why there are seven seats as opposed to eight, and Mr. McMullan stated that the Administrative Code is written for seven-member board.

8. ITEMS FOR APPROVAL:

- A. Consideration to Authorize: Purchase and installation of a commercial door, frame, and windows from Trimm Glass Company, Inc., for the Public Works building in the amount of \$8,255.

Mr. McMullan stated before Council for their consideration to authorize the purchase and installation of a commercial door frame and windows from Trimm Glass Company, Inc., for the Publics Works building in the amount of \$8,255. Public Works sought out three estimates: one from Trimm Glass, one from Superior Glass, and one from Pottstown Glass. Based on the estimates they are recommending Council approve Trimm Glass Company, Inc. who is the lowest and most responsible bidder.

Mr. Read made a motion to authorize the purchase and installation. Ms. Donnelly seconded the motion. The motion carried with a vote of 6-0.

- B. Approval of March 6, 2024 Bill List.

Ms. Dussling read the Bill List aloud.

GENERAL FUND		
Aqua Pennsylvania, Inc.	Fire Hydrants	\$ 9,049.86
Keystone Municipal Services	Monthly Building Inspections	\$ 9,937.50
Linn Architecture	Professional Serv. GR Promenade	\$ 13,832.12
Opdenaker, Inc.	Monthly Recycling	\$ 40,851.00
Pa Municipal Health Insurance Cooperative	Employee Health Insurance	\$ 31,968.42
General Fund Total		<u>\$ 105,638.90</u>
CAPITAL RESERVE		
Petrikin Wellman Damico Brown	Legal Services	\$ 7,139.60

Whitmoyer Chevy, Inc.	Fire Chief Truck	<u>\$ 69,264.41</u>
	Capital Reserve Total	<u>\$ 76,404.01</u>

STATE AID

Eastern Salt Company	Road Salt	<u>\$ 16,188.91</u>
		<u>\$ 16,188.91</u>

Mr. Read made a motion to approve the bill list. Mr. Stump seconded the motion. The motion carried with a vote of 6-0.

Ms. Powell made a motion to adjourn the meeting. Ms. Ciuca seconded the motion. The motion carried with a vote of 6-0. Ms. Dussling adjourned the meeting at 8:17 pm.

Respectfully Submitted,



Sharon Browne



Middletown Township Engineer's Report

March 6, 2024
Council Meeting

MARINER 2 PIPELINE

MT100-Ea

- Valley Road shoulder restoration/stabilization. ETP has agreed to fund the cost related to obtaining a PennDOT Highway Occupancy Permit and construction improvements to stabilize the road shoulders of Valley Road with rock lining from W. Forge Road to New Darlington Road. The Highway Occupancy Permit plan has been prepared and has been submitted to PennDOT by the Township, for approval. The Township is waiting on review of this permit application by PennDOT. This restoration work, which is being done due to water erosion along the shoulders, will also include milling and wearing course overlay of the entire cartway of Valley Road along the work area. This work is anticipated to be completed in 2024. All other ETP restoration work in the Township is complete.
- Horizontal Direction Drill HDD #591 (Sleighton Park to 143 Valley Road) - "Monitoring Plan" - Sunoco/ETP is in the process of finalizing geologic and geophysical testing at Valley Road/W. Forge Road, pursuant to the "monitoring" plan agreed upon by the Township and Sunoco/ETP. The Township's geophysics consultant has reviewed all previous testing completed as part of the monitoring plan and will review testing reports as they are completed and submitted to the Township.

SEPTA R3-3

MT120-Bwa

- SEPTA has completed the R3-3 rail line extension including the parking deck, driveway, station building, and stormwater management facilities. Final Certificate of Occupancy has been approved for the station building and the crew quarters. The Township reviewed the project close-out request (Certificate of Total Completion) and has notified SEPTA there are minor issues remaining to be addressed. Amended stormwater management agreement and exhibits have been recorded. It is anticipated that this land development project will be on a Council Agenda in the near future for consideration of approval.

MINT PEDESTRIAN TRAIL (PHASE 1)

MT100-V1

- The first segment of this trail has been completed at the SEPTA Wawa Station.
- The project was let for bid and awarded on November 27, 2023 to Richard E. Pierson Construction Co. Executed Notice of Award has been received and Contract has been executed by all parties. A contract term of 180 calendar days has been set to complete work which should allow sufficient time to complete the work by the spring, accounting for potential weather delays. Due to weather conditions in January and early February, the commencement of the project was delayed; however, **tree removal work has begun and the contractor will be mobilizing to the site to begin construction during the week of March 4th.** The Notice to Proceed has now been issued and the contract term for this work expires on August 28, 2024.

LENNI ROAD PEDESTRIAN TRAIL (PHASE 2)

MT100-U1

- A project coordination and kickoff meeting was held in December 2023, with project consultants, Township staff and Delaware County. Engineering design of phase 2 of the Township trail projects will begin in 2024.

TOWNSHIP GUIDERAIL PROGRAM

MT124-E

- 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.
- 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 applied for an A.R.L.E. grant for the completion of guiderail projects in 2020, 2021, and 2022, but was not awarded the grant but received feedback that the application was considered worthy of award but other projects were more highly prioritized. 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. 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 reviewed by the Township review committee. The document will be introduced for adoption in the near future.
- Preparation of a new Township Code, Chapter 77 (Building Permit and Occupancy Procedures) has been completed and distributed to Township review committee. The document is in the process of being reviewed by Township Staff and consultants. Chapter 77 is intended to establish requirements and procedures for obtaining building permits and requirements for approval of Certificates of Occupancy for occupiable structures. The draft ordinance has been reviewed by the Township's Land Planning Committee.
- Preparation of a new Township Code, Chapter 204 (Street, Curbs and Sidewalk) has been completed and distributed to Township review committee. The document is in the final phase of being reviewed by Township Staff and consultants. Chapter 204 is to replace the existing Chapter 204, and is intended to establish requirements and procedures for working within the right-of-way of Township streets, including street restoration standards and maintenance and protection of traffic (work zone traffic controls). It is likely this draft ordinance will be presented for review by the Council in spring 2023.
- "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 review. This document can (and should) be updated periodically to include additional construction details, guidance documents, forms, etc. if they become necessary.

ROOSEVELT COMMUNITY CENTER AND LIBRARY

MT100-O

- Construction and permitting plans for site improvements at Roosevelt School have been submitted to DCCD for NPDES Permit approval, and “administrative” approval has been obtained. The Township just received “technical” review comments and is in the process of making plan revisions to address those comments and resubmit the plan to the DCCD. In the interim, engineering work is continuing on preparation of contract documents, bidding documents, and construction specifications for letting of public bid. Site improvement work will be completed in two phases. Overall improvements will include construction of a new tot lot, new parking, reconstruction of existing parking facility both in front of and behind the facility, grading of a small field area (next to the tot lot), stormwater management improvements and construction of courtyard improvements. It is anticipated that construction of improvements will begin over the early spring 2024 (April/May), upon receipt of permits from the County and State and letting and award of bid.

SUNNY BRAE STORMWATER BASIN REVITALIZATION

MT100-K

- Minor punchlist/repair work is nearly complete. This project is anticipated to be closed in the near future.
- The completed project 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 term of the PRP approval ending in 2025.

LONGVIEW PARK

MT100-A.2

- Construction of Stage 2 and Stage 3 of the project has been completed and it is anticipated some of the field areas may be open to public use in the fall (in order to allow grass to grow properly).
- The final construction phase is anticipated for the spring of 2025 and will include the following work: conversion of sediment trap nos. 1, 2, 3, 4 and 5 to permanent stormwater basins, installation of approximately 800

feet of pedestrian trail (that was not be completed with the previous stages of construction), asphalt paving of approximately 400 feet of paved trail (that was only completed to stone subbase to permit future construction access for basin conversion), installation of softball and baseball infield areas, and removal of all erosion and sedimentation controls. The Township applied for a grant (in the amount of \$250,000.00) to partially fund completion of the project; however, only a small fraction of the requested funding was awarded to the Township. The cost estimated in 2021 to complete the final phase of work was approximately \$500,000.00; however, it is likely this cost will increase due to the current economic environment.

- The NPDES Permit for the Park has been extended to December 20, 2027 to allow the project to be completed in 2023. PennDOT Highway Occupancy Permit work is complete and permits are closed.

LENNI PARK

MT100-W

- A kickoff meeting was recently held with DCNR regarding the approved grant for redevelopment of Lenni Park.
- It is anticipated that the park site will be surveyed in 2024 and design of the first phase of park improvements may begin in late 2025. First phase of improvements may include additional parking, pedestrian trail and stormwater management improvements. Additional site improvements are anticipated in later years.

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 design, permitting, and construction of all of the proposed stormwater facilities (BMPs) described in the PRP. The PRP includes an estimation of cost to complete all stormwater facilities required by the State as part of the approved PRP, prior to the end of the PRP approval term (February 2025). The Sunny Brae Basin revitalization will be the first stormwater BMP project from the PRP, to be completed (in 2022). The Township submitted a PA DCED Watershed Restoration and Protection Program Grant application in the amount of \$296,905.00 for construction of a second stormwater BMP in Township open space north of Highpoint Drive and south of the Franklin Mint, however, only a small portion of the requested funds were awarded.

SUBDIVISIONS/LAND DEVELOPMENTS

MT305 SERIES

- 129 N. Middletown Road (aka ARTIS Senior Living) Land Development – The final plan, conditional use and zoning map/text amendments have been approved by Council. The land development plan has not yet been recorded, but approvals remains valid as of the date of this report. It is our understanding the current owner of the property is proceeding with advancing the project forward and completing the remaining requirements of the land development approval.
- Guss Subdivision (Howarth Road) – Construction of site improvements (not including the dwellings) has been approved by the Township (through issuance of a grading and excavating permit). Construction activity at the site is on-going.
- Promenade at Granite Run Land Development - Construction pursuant to the approved final plan is on-going and is approximately 90% complete. The following amendments to the approved final plan were received in late 2022 and early 2023:
 - ✓ Reconfiguration of Apartment Building 2 and surrounding improvements. This work is approximately 60% complete.
 - ✓ Reconfiguration of Building G (Popeye's). Land Development for this amendment has been recommended for approval by the Planning Commission in April 2023 and granted conditional final approval by Township Council. The plan is in the process of being recorded.
- 386 Dutton Mill Road – A minor subdivision and land development application has been received by the Township for creation of 3 new residential building lots and a lot consolidation. The site is located approximately 500 feet southwest of Mary Anne Drive, on the west side of Dutton Mill Road which is a Pennsylvania State Highway. New homes are to be served by public water (a main extension from Mary Anne Drive) and public sewer. There is a sewer interceptor traversing the rear of the property, which is also traversed by an unnamed tributary to Chester Creek. There is an existing home and parcel that will be impacted by this development. The existing driveway to this home is to be relocated to the proposed shared driveway for the 3 new homes, and the old driveway is to be removed. Further, a portion of the subdivision parcel is to be conveyed to 412 Dutton Mill Road. The parcel is heavily encumbered by wetlands, floodplain, steep slopes, and regulated waters of the US. There is a variable width riparian corridor proposed; however, Township Codes requires a riparian corridor of 50 feet. Some of the proposed improvements are within this riparian corridor. The development will also disturb steep slopes but will not disturb wetland, waters of the US, or floodplain area. A large underground infiltration basin is proposed to control stormwater

runoff from the new impervious surfaces. A shared driveway, 16 feet wide is to serve lots 1 and 2 and 412 Dutton Mill Road. A shared driveway width of 20 feet, at the entrance will be recommended to the applicant as part of the engineering review. Driver sight distance appears to comply with applicable regulations, but this will be reviewed by PennDOT as part of the Highway Occupancy Permit application. There are Township Code waivers that will be needed by the applicant (in addition to any currently being requested) for this application to be approved. Those waivers include but are not limited to reduction of riparian corridor and reduction of the separation requirement of an underground stormwater basin to a structure (dwelling).

- 643 Darlington Road Minor Subdivision – A minor subdivision and land development application has been received by the Township for creation of 3 new residential building lots. This application will be scheduled for review by the Planning Commission in the near future after plan revisions are made pursuant to a meeting between Township Staff and the design engineer.
- Darlington Pointe II Subdivision - Construction is complete with all homes occupied, except for Lot 4 which has been purchased to the owner of 420 Matrissa Ridge and it is our understanding there is not intent on their part to build on the lot. Certificate of Total Completion has been filed and it is anticipated that project will be closed in 2024.
- 312 Lenni Road Subdivision - Conditional final approval granted by Council. Plan has been recorded and construction has commenced by Cornerstone Quality Builders. Five homes are presently under roof and the project is approximately 95% complete.
- 33 N. Middletown Road Subdivision (Convery) - Conditional final approval granted by Council. The plan has been recorded. Site work construction (excluding the houses) is largely complete. A grading and excavating permit for Lot 3 has been recommended for approval and the first dwelling is under construction.
- 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 been recorded and construction of the bus facility parking lot is complete. Project has not yet been closed through approval of Certificate of Total Completion.
- 345 Valley Road Subdivision – The overall project is complete and Certificate of Total Completion has been submitted by the builder and conditions for approval of the CTC have been forwarded to the applicant for completion/resolution.
- Glenwood Elementary School Parking Lot – The plan has been recorded and a Grading and Excavating Permit has been approved for the

construction of the new parking lot and related stormwater facilities. Construction, which commenced in June of 2023, is complete.

- Glenwood Elementary School Modular Classrooms – Plan has been reviewed by Township staff and was recommended for final approval by the Planning Commission and approved by Council in May.
- Indian Lane Elementary School Parking Lot and Baseball Field Relocation – The plan has been recorded and construction is complete. Project has not yet been closed through approval of Certificate of Total Completion.
- Luongo Reverse Subdivision and Land Development – Zoning Variances and Conditional Use have been approved. The applicant has submitted a land development application which was recommended for approval by the Planning Commission in June. The applicant has revised the plan pursuant to staff and consultant reviews and will request review by Council in the near future.
- Granite Farms Estates – Nursing Care Facility – Site improvements including building additions and reconfiguration of the parking area surrounding the nursing care facility, was granted final approval was granted by Council in March 2022. Plan has been recorded and construction is underway.
- A minor subdivision application has been received for 252 W. Forge Road to create one additional residential lot. The Plan has been recorded and a grading and excavating permit has been approved for construction of the new home, which is approximately 95% complete. Temporary Certificate of Occupancy for the new home has been requested by the owner and is currently under review by Township Staff and consultants.
- 552 Old Forge Road - This subdivision application was granted conditional preliminary and final approval by Township Council. The plan has been recorded and some construction (specifically tree clearing) has started at the site.
- 40 Van Leer Avenue Subdivision and Land Development - This subdivision application was granted conditional preliminary and final approval by Township Council. The plan has not yet been recorded. Plan revisions have recently been received by the Township for review.
- William N. Weirich, Jr. Minor Subdivision (Highpoint Drive) – Work is nearly complete for the one newly created lot of this subdivision and temporary certificate of occupancy has been issued for the new dwelling.
- A land development application has been received from Sunnybrae Farm, L.P. (Wolff's Applehouse) for approval of a permanent pavilion structure (previously constructed under a waiver of land development), building expansion (for on-premises kitchen) and a separate garden center building. This application has been recommended for conditional use approval and preliminary land development approval by the Planning Commission and has received zoning variances to permit the

proposed expansion. Township Council recently granted preliminary approval of this plan.

- Williamson College of the Trades 72-Bed Dormitory Land Development (Phase 6) – A land development application has been received to construct a 72-bed dormitory at the campus. This application was recommended for approval by the Planning Commission and approved by Council in August 2022. Plan has been recorded and a grading and excavating permit for the site work has been approved. Work is approximately 70% complete.
- 47 N. Middletown Road Land Development – An application for land development for construction of a meeting room building (religious use) and parking lot has been reviewed by Township. This site is located to the southwest and contiguous to Longview Park. Staff and Consultants have reviewed the submission and the preliminary and final plan have been recommended for approval by the Township Planning Commission and conditionally approved by Council as well. The plan has not yet been recorded.
- Elwyn of Pennsylvania and Delaware – Kitchen Building – A land development application has been received to construct a new kitchen facility at the campus. This plan has been recommended for approval by the Planning Commission and conditionally granted preliminary/final approval by Council. The plan has not yet been recorded.
- ACTS Lima Estates – Rehab and Therapy Garden Land Development – A land development application has been received to construct a small new building addition at this facility. The plan is schedule to be reviewed by the Planning Commission in March of 2024

