

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
MARCH 11, 2019

Minutes of the Regular Meeting of Township Council held on March 11, 2019 at 7:00 P.M. in the Township Administration Building located at 27 North Pennell Road.

Present: Stephen Byrne, Scott Galloway, Susan Powell, Walter 'Bok' Read, Norman Shropshire, Andrew Haines, Joseph Damico, Esq., E. Janetka

Absent: M. Kirchgasser

1. OPENING

Vice-Chairman Norman Shropshire called the meeting of the Council to order at 7:10 p.m. and led recitation of the Pledge of Allegiance to the Flag.

Mr. Shropshire stated Council met in Executive Session to review bond costs for the possible acquisition of the Sleighton property and to discuss Roosevelt School.

2. APPROVAL OF MINUTES

Mr. Galloway made a motion to approve the minutes of January 28, 2019 and Mr. Carlson seconded the motion. The motion carried with a vote of 6-0.

Mr. Carlson made a motion to approve the minutes of February 11 2019 and Mr. Byrne seconded the motion. Mr. Shropshire abstained. The motion carried with a vote of 5-0.

3. COMMENTS FROM THE PUBLIC

Ms. Kelly Johnson, 711 Iris Lane, stated she is very excited about the proposed open space at Sleighton School. She asked if the pipeline goes directly through the property and Mr. Haines stated there are portions of the pipeline along Valley Road. He stated there is a portion that comes down from the Thornbury/Edgmont Township line and cuts over to the eastern side of Valley Road to the Sleighton Park. Ms. Johnson asked how many appraisals were done and what was the process to determine the value of the land.

Mr. Haines stated there was an appraisal completed and Mr. Shropshire stated the Township is bound by law to not pay more than the appraised amount. Ms. Johnson asked if it is standard for a second appraisal to be done. Mr. Shropshire stated it is another expense incurred and no a second appraisal will not be commissioned. Ms. Johnson asked what the Township's budget is to manage open space already owned and will it be increased when the Township acquires additional property. Mr. Haines stated this will be looked at in the budget season. He stated the Public Works team does the mowing but at this point it will be preserved passive space. Mr. Shropshire stated it will increase the mowing but there is no intention to do anything else to the property.

4. REPORTS

A. CHAIRMAN

Mr. Shropshire stated he would like to thank fire services, the Public Works Department, South Media Fire Company, Brookhaven Fire Company and Springfield Fire Company. He stated there was an incident that occurred on Friday evening on East Knowlton Road and

Ridge Avenue with an overturned fuel oil truck and rolled down Ridge Avenue and was stopped by a telephone pole. He stated the activity took 4-hours in which the fire departments were at the scene the entire time. Mr. Shropshire stated Dan Simcox from the Public Works Department brought a load of salt to the scene and the Delaware County Hazardous Team responded to the scene. He stated a large environment team responded. Mr. Shropshire stated he was extremely impressed with the operation and is very proud of the fire service.

Mr. Shropshire stated he has been discussing the pothole situation with Mr. Haines. He stated the Township is out doing the best it can to fill the cavernous holes. He stated Rt. 352 is a disgrace as well as a lot of other PennDOT roads. He stated Mr. Haines has been in touch with the State Police trying to get help from PSP to get PennDOT to fix the potholes on Darlington/New Darlington Roads. He stated the Township is doing everything it can to get the situation resolved.

- B. COMMITTEE - Notice: Finance and Administration Committee: March 25, 2019 @ 6:00 p.m.
Mr. Carlson announced the Finance and Administration Committee will meet on Monday, March 25, 2019 at 6:00 p.m.

C. MANAGER

1) Fuel Pump and Underground Storage Tank Operations Update.

Mr. Haines stated this was addressed at the November 12, 2018 Council Meeting. He stated the Township is doing assessment to find the best way to move forward and stay in compliance specifically with the piping and spill protection. He stated the Township is engaging Pennoni Associates for environmental permitting to be able to properly remove the tanks. Mr. Haines stated the underground tanks are comprised of two 2,000-gallon tanks. He stated underground storage tanks have significant environmental permitting and oversight. He stated the Township is looking to use an above-ground stainless steel storage tank that is encased in concrete. He stated the tank has the spill protection and is also fire rated for 2 hours. This means it can be placed within 5 feet of a structure. He stated the Township is removing the underground tanks and replacing them with two 1,000-gallon tanks aboveground. Mr. Haines stated he will be meeting with Pennoni Associates to estimate the final costs. He stated the Township will be going into a consent agreement with DEP to acknowledge the effort going forward to remediate the deficiencies in their report.

2) ENGINEER - NO REPORT

5. OLD BUSINESS - N/A

6. PUBLIC HEARING - N/A

7. NEW BUSINESS

- A. Consideration for Approval: Resolution #2109-23, appointment of liaison to Berkheimer for sensitive tax information.
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Mr. Haines stated the Resolution formally adopts Vince Visoskas as the new Finance Director to be the appointee where the former director was the appointed liaison.

Mr. Galloway made a motion to approve the Resolution and Mrs. Powell seconded the motion. Resolution #2019-23 carried with a vote of 6-0.

- B. Consideration for Approval: Resolution #2019-24, application to Delaware County Liquid Fuels program, 2019 Township allocation of \$20,385 for 2019.
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Mr. Shropshire stated this is the money used for road improvements. Mr. Haines stated Delaware County is one of the few Counties that passes through its Liquid Fuels allocation to the local municipality. He stated this is the portion that goes toward revenue for the annual road program.

Mr. Read made a motion to approve the Resolution and Mr. Carlson seconded the motion. Resolution #2019-24 carried with a vote of 6-0.

- C. Consideration for Approval: Resolution #2019-25, Act 44 of 2009 procedures for professional services regarding defined benefit pension operations.
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Mr. Haines stated there was an audit of the Pension in the fall and the Township desires to comply with Act 44 of 2009 that established requirements of municipalities with respect to disclosure and operations of professional services for benefit pension administration. He stated in addition to the Middletown Township Code Chapter 4-45, Contracts and Chapter 4-46, Competitive Bidding, the Township needed to comply with additional procedures for future procurement of professional services as outlined in Act 44 of 2009.

Mr. Carlson made a motion to approve the Resolution and Mr. Byrne seconded the motion. Resolution #2109-25 carried with a vote of 6-0.

- D. Consideration for Approval: Resolution #2019-26, update and clarification of Township self-insured hospitalization copay reimbursement plan.
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Mr. Haines stated this Resolution clarifies eligibility of the copays and the values so the Township can be compliant.

Mr. Carlson made a motion to approve the Resolution and Mr. Read seconded the motion. Resolution #2019-26 carried with a vote of 6-0.

- E. Consideration for Approval: Resolution #2109-27, authorization to submit for DCNR Grant to fund portions of potential Sleighton property acquisition.
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Mr. Haines stated this is the signature page for the Township to apply for a DCNR Grant. He stated the Township is partnering with Lands Trust who are experts in open space management preservation to be the lead writer on the application. Mr. Shropshire asked if the grant money is applied prior to the approval of the acquisition. Mr. Haines stated the deadline for the application is next month and the Township has an opportunity within the grant to file for a closing of the land before the potential award. Mr. Haines stated the Township can proceed on the timeline and in parallel apply for the grant. Mr. Shropshire asked

how the size of the grant is determined. Mr. Haines stated this is the way the Township is working with Lands Trust to maximize a reasonable request is to see how much the Township can get, but not to exceed \$1 million.

Ms. Kelly Johnson, 711 Iris Lane, asked if the Natural Lands Trust can be a partner in coming up with stewardship plans for the project or is it strictly in putting together the grant application. Mr. Haines stated this is strictly the grant application. He stated there will be no co-deeding of the parcel. Ms. Johnson asked if the grant is received will there be any restrictions. Mr. Haines stated there could be restrictions. Mr. Shropshire stated the parcel is for passive recreation.

Mr. Read made a motion to approve the Resolution and Mr. Carlson seconded the motion. Resolution #2019-27 carried with a vote of 6-0.

Mr. Galloway made a motion to amend the agenda for the bill list to be last and Mr. Carlson seconded the motion. The motion carried with a vote of 6-0.

G. Council Review of Zoning Hearing Board application(s):

- 1) Application 2019-03: Ms. Tanya Yang, 142 Indian Lane
- 2) Application 2019-04: BT Granite Run, LP (Wawa pad lot), 1073 W. Baltimore Pike
- 3) Application 2019-05: Mr. Russell F. Daly, 63 Paul Lane

Mr. Haines stated applications G1 and G3 are looking for non-conforming approval of a separated garage. He stated they are trying to expand existing non-confirming structures. He stated the applications are very straight forward and the Zoning Hearing Board will be more than capable of handling. Mr. Shropshire stated Council is not acting as the Zoning Hearing Board and if Council finds an application to be questionable, they will send the solicitor to represent the Township. Council did not find a need to send representation.

Mr. Haines stated G2, the application for Wawa is asking for a pylon sign. He stated Wawa is looking for signage for the canopy which they refer to as "spanner banners". Mr. Haines stated he feels the Zoning Hearing Board can handle this application, but at minimum the Design Review Committee (DRC) memorandum should be provided for review. Mrs. Powell stated the applicant is asking for more than is allowed. She stated the pylon sign is enhanced based on DRC comments. Mr. Haines stated the Township asked for stone around the pylon sign. Mr. Shropshire stated the application has concerns. He stated the DRC will meet on Thursday with the applicant to try to find an amenable solution.

Mr. Galloway made a motion to table the decision until the March 25, 2019 Council Meeting and Mr. Carlson seconded the motion. The motion carried with a vote of 6-0.

F. Approval of February 25, 2019 Bill List

Mr. Shropshire read the bill list aloud.

GENERAL FUND

A. J. Blosenski, Inc.	January Recycling/Yard Waste	\$ 25,154.53
Independence Blue Cross	March Insurance	\$ 8,383.32
	Highway Share	\$ 8,431.88
	Recreation Share	\$ <u>4,500.75</u>
		\$ 21,315.95
Linn Architects	Promenade at GR Dec. & Jan. Ser.	\$ 26,193.40
U S Bank	Pension Contribution 2019	\$ 86,884.00
Yerkes Associates, Inc.	Contracted Services/January	\$ <u>11,123.41</u>
	General Fund Total	\$ <u>170,671.41</u>

RECREATION FUND

PNC Credit Card - To G/F	Trips	\$ 8,510.10
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CAPITAL RESERVE FUND

Land Services USA, Inc.	Dep. - Sleighton School Purchase	\$ 50,000.00
McCormick Taylor	PA Rt. 452 & SR 1 Improvements	\$ <u>9,103.30</u>
	Capital Reserve Total	\$ 59,103.30

STATE AID FUND

Eastern Salt Company, Inc	Rock Salt	\$ 10,142.35
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Mr. Shropshire adjourned the meeting at 7:300 p.m.

Respectfully Submitted,


 Sharon Browne, Recorder