

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
MARCH 20, 2024

Minutes of the Regular Meeting of Township Council held on March 20, 2024 at 7:00 p.m. in the Township Building located at 27 N. Pennell Road.

Present: David Bialek, PharmD, R.Ph., Carissa Ciuca, Jackie Donnelly, Susan Powell, Walter “Bok” Read, Christopher Stump, John McMullan, Charles Miller, Esq., Eric Janetka, Vince Visoskas.
Excused: Bibianna Dussling.

1. OPENING: PLEDGE OF ALLEGIANCE TO THE FLAG

Ms. Powell called the meeting to order and led in the recitation of the Pledge of Allegiance to the Flag.

2. APPROVAL OF MINUTES

1) Draft Township Council Minutes: March 6, 2024.

Ms. Donnelly made a motion to approve the March 6, 2024 minutes. Mr. Read seconded the motion. The motion carried with a vote of 6-0.

3. PUBLIC COMMENTS

Mr. Jason Zerweck, 20 Soldier Song Lane, asked if the plan presented before the Land Planning Committee by Wawa Dairy will be available to the public. Mr. McMullan stated once the Township receives a formal application it will be available to the public. Mr. Zerweck asked if there is a timeframe for the application and Mr. McMullan stated Wawa Dairy is looking to submit a formal application in May 2024.

4. REPORTS

A. CHAIR: NONE

B. COMMITTEE:

1) Land Planning Committee: Met on March 20, 2024, to hear a presentation from Wawa Dairy regarding a building expansion project located at 1393 W. Baltimore Pike. Ms. Powell stated there was a Land Planning Committee meeting prior to tonight’s Council meeting where Wawa presented a building expansion project plan.

C. MANAGER:

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

Mr. McMullan announced that at the last Council meeting on March 6, 2024, Urban Engineers backed out of the agreement to study the feasibility of a quiet zone. He stated they received a reference for Jacobs Engineering but has not heard back and sent a reminder e-mail today. Aston Township’s Engineer has reached out to Gannett Fleming and hopefully they will have two proposals to present to Council for a decision. Mr. Bialek asked why Urban Engineer’s backed out and Mr. McMullan stated Urban Engineer’s decided to not renew the contract with the consultant who was their primary transportation engineer. Mr. Stump asked if the April 1, 2024, date for

the repairs to the Glen Riddle Road bridge is still valid and Mr. McMullan stated as far as he knows, the project is still scheduled to start on Monday, April 1, 2024.

D. ENGINEER:

Mr. Janetka mentioned the Mint Trail project is currently underway. There has been some dirt moving activity, but he was notified that they will be coming back on Monday and will have full crews working. Ms. Powell asked if there is an estimated finish date for the project and Mr. Janetka stated it is a 180-day contract and the finish date is mid-August. The notice to proceed has been issued which started the project clock.

5. PUBLIC HEARING: N/A

6. OLD BUSINESS: N/A

7. COUNCIL WORKSHOP ITEMS: N/A

8. ITEMS FOR APPROVAL:

A. Consideration for Adoption: Ordinance 861, authorizing a cable franchise agreement between Middletown Township and Verizon Pennsylvania, LLC.

Mr. McMullan stated for Council's consideration for adoption is Ordinance 861 authorizing a cable franchise agreement between Middletown Township and Verizon Pennsylvania, LLC. Council voted to introduce the ordinance at the March 6, 2024, meeting. The ordinance has been properly introduced. Council had a few questions, and he e-mailed the special counsel that is representing Middletown Township in this matter.

Mr. McMullan received positive responses to all three questions the first being if a new public building comes online before the end of the five year contract would Verizon provide free cable service and the answer is yes, Verizon would provide free cable service to a new public building which will come on line either as a new building or a relocation of an existing building with the typical qualifier that any such new building is within the setback distance and is deemed to be a public building as occasionally there are issues with new buildings that may be construed as quasi-public buildings noting these are more exceptions than the rule.

Second, are any services included with free cable service or just basic cable service; any such cable service are just that; however, Verizon's nomenclature describes what is included at a given point in time at a basic level of cable service noting that unlike some cable operators Verizon has never strayed beyond cable or video services for free services such as internet noting that internet now is far more the exception than basic cable.

Third, if a new residential development is constructed will Verizon offer service to residents and Verizon's answer is as long as any such residential development satisfies the

applicable service area and setback requirements Verizon can offer their underground connection or services to private residences.

The last question was brought up by the Director of Finance, Mr. Visoskas, noting the agreement had a 3% franchise fee rate and this was corrected by Verizon and is currently 4% and will remain so over the duration of the five-year contract. Mr. Stump thanked Mr. McMullan for getting the answers to Council's questions but wanted to note he found out the Middletown Fire Company, which is on the list of covered entities entitled to free service, do not have a Verizon connection. He wondered if there is a particular reason they do not have the coverage.

Mr. McMullan stated he is not aware of this and questioned if there was a reason the fire company may have opted out. He stated he will look into this and contact the president of the fire company to find out the history and then request that Verizon provide a connection.

Ms. Donnelly made a motion to approve the adoption of Ordinance 861. Mr. Bialek seconded the motion. The motion carried with a vote of 6-0.

B. Consideration for Approval: Resolution 2024-05, Disposition of Records Pursuant to the State Municipal Manual.

Mr. McMullan stated before Council for their consideration for approval is Resolution 2024-05 for disposition of records pursuant to the State Municipal Manual. This was before Council at the Workshop Meeting and Council approved moving it to items to approve.

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

C. Consideration for Approval: Resolution 2024-06, application to Delaware County for the allocation of the 2024 Liquid Fuels Funds.

Mr. McMullan stated Resolution 2024-06 was presented to Council at the Workshop Meeting on March 6, 2024. This is required by the municipality to submit to Delaware County for allocation of the 2024 Liquid Fuels Fund. They are anticipating approximately \$20,385.00 to be used toward the 2024 Road Improvement and Paving Program. Mr. Bialek asked if this is consistent with how funds were used in previous years, and Mr. McMullan stated this is correct. Mr. Visoskas stated the amount varies from \$16,000 to \$26,000. Ms. Powell added the funds are required to be used for road improvements and Mr. McMullan stated there are Liquid Fuel Funds the Township receives that can be used for as an example; Public Works vehicles. This is used for paving.

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

D. Consideration for Approval to list the following vehicles on Municibid: 2005 Ford

Explorer, 2015 Ford F-550 Dump Truck with Snowplow and Salt Spreader.

Mr. McMullan stated for Council's consideration to approve the listing of a 2005 Explorer which was the former Emergency Management Vehicle which is now out of service because they have the vehicle that was purchased for the Fire Chief which will also be used as the Emergency Management vehicle and the 2015 Ford F-550 Dump Truck. Council approved the purchase of a Public Works vehicle in late 2023. This vehicle is currently at Lancaster Body Shop, and they hope the sale of the 2015 vehicle will help replenish the purchase of the new vehicle.

Mr. Stump made a motion to approve the listing of the vehicles for sale on Municibid. Ms. Donnelly seconded the motion. The motion carried with a vote of 6-0.

- E. Consideration for Approval to list the following items on Municibid: 1993 Wacker Neuson Jumping Jack Compactor, 2000 Wacker Neuson Plate Tamper, 1996 Technic Pole Pruner, 2007 Stihl Pole Saw, and a 2015 Chain Saw.

Mr. McMullan stated before Council for their approval to list the following items on Municibid; 1993 Wacker Neuson Jumping Jack Compactor, 2000 Wacker Neuson Plate Tamper, 1996 Technic Pole Primer, 2007 Stihl Pole Saw and a 2015 Chain Saw. This equipment is ending its service life and is being listed on Municibid in hopes that any proceeds will be put towards the purchase of new equipment.

Ms. Ciuca made a motion to approve the listing of equipment on Municibid. Mr. Bialek seconded the motion. The motion carried with a vote of 6-0.

- F. Consideration to Authorize: Purchase of a Jumping Jack Compactor and Plate Tamper from Little's of Downingtown, PA in the amount of \$5,049.37.

Mr. McMullan stated the Township is replacing equipment that is ending its life expectancy and wants to put in service new equipment. Three estimates were required, and staff recommends purchasing the replacement equipment from Little's of Downingtown in the amount of \$5,049.37. Mr. Bialek asked for the estimated value of the equipment that is being sold, and Mr. McMullan stated they are hopeful the amount will be \$1,500. Mr. Bialek asked if this allocation is included in the 2024 budget, and Mr. McMullan stated yes. Mr. McMullan stated he is required to bring before Council any purchases which are \$10,000 or more but he likes to bring before Council items that are \$5,000 or more to get approvals.

Mr. Bialek made a motion to authorize the purchases. Ms. Donnelly seconded the motion. The motion carried with a vote of 6-0.

- G. Appointment of a Temporary Committee to review resident applications to fill vacancies on the Environmental Advisory Committee.

- 1) Member(s) of Council, Township staff member, and a member of the EAC.

Mr. McMullan stated if Council recalls there were three applications for two spots on the Environmental Advisory Committee and Council decided to create an Ad-Hoc committee to review the applications and make recommendations to all of Council.

Council decided their two representatives would be Ms. Powell and Mr. Read, the Staff Liaison will be Jamie Jilozian, and the representative from the EAC is Stacy Teagan, the Chair of the EAC. Ms. Donnelly asked if the four-member committee would be a problem as they usually have an odd number of representatives in the case of a tie vote. Ms. Powell and Mr. Read both felt it would not be a problem.

Mr. John Kolicius, 212 S. Old Middletown Road, representing the EAC stated they had their meeting last night and Ms. Teagan agreed to be the representative on the Ad-Hoc committee. He stated the one question they had is when the decision will be made as they would like the positions filled as soon as possible. Mr. McMullan stated as long as the Ad-Hoc committee can open up their schedules there is no reason not to come before the April 3, 2024, Council meeting. Mr. McMullan stated he will suggest Jamie Jilozian reach out to the board members to schedule the meeting. He added the meeting could be in person or via Zoom.

Ms. Donnelly made a motion to approve the appointment of a Temporary Committee. Mr. Stump seconded the motion. The motion carried with a vote of 6-0.

H. Council Review of Zoning Hearing Board Applications:

- 1) Application 2024-01: An application of Lori Eliassen, 62 S. Pennell Road, seeking a variance of minimum 35 ft. depth of front yard for expansion of a non-conforming structure. Applicant is proposing to construct a 4' x 11' covered front porch which will project to within 14' of the property line, Zoned R-2.

Mr. McMullan reminded Council this item does not need approval but whether Council would like to send representation to the Zoning Hearing Board. He stated the applicant Ms. Lori Eliassen of 62 S. Pennell Road is seeking a variance of minimum 35 ft. depth of the front yard for an expansion of a non-conforming structure. The applicant is looking to construct a 4' x 11' covered front porch which will project to within 14 ft. of the property line. The property is zoned R-2. The applicant states she and her husband are disabled, and her husband fell down the current stairs. There is an elderly father in the home. She added her children have problems going around the steps to the school bus. They need a covering and a straight way out of the front of the house to the street. Mr. McMullan stated after review of the application, staff had no concerns about enlarging the size of the front. Council did not feel the need to send representation to the Zoning Hearing Board. Mr. Miller explained the Township can be a party but generally speaking and the past practices have been to send the solicitor if it is a major issue or an issue of importance that has come up over and over or if the Township's codes need to be enforced a solicitor would need to be present to advise the Zoning Hearing Board.

I. Approval of March 20, 2024 Bill List.

Ms. Powell read the Bill List aloud.

GENERAL FUND

Kelly Engineers & Surveyors	Professional Services	\$ 10,491.50
	Road Program Professional Services	\$ 2,446.50
Keystone Municipal Services	Monthly Building Inspections	\$ 6,675.00
McCormick Taylor, Inc.	Engineering Rt. 452 & SR 1	\$ 5,829.69
	General Fund Total	<u>\$ 25,442.69</u>

CAPITAL RESERVE

Golden Equipment Co., Inc.	Chipper Truck Cap	\$ 6,386.00
		<u>\$ 6,386.00</u>

STATE AID

Eastern Salt Company	Road Salt	\$ 5,273.16
		<u>\$ 5,273.16</u>

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

Ms. Donnelly made a motion to adjourn the meeting. Ms. Powell recognized the motion and adjourned the meeting at 7:25 pm.

Respectfully Submitted,



Sharon Browne