

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
MARCH 25, 2019

Minutes of the Regular Meeting of Township Council held on March 25, 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., Eric Janetka

Absent: Mark Kirchgasser

1. OPENING

Vice-Chairman Norman Shropshire called the meeting of the Council to order at 7:00 p.m. and led recitation of the Pledge of Allegiance to the Flag.

Mr. Shropshire asked the public if anyone was videotaping the meeting. Mr. Anthony Ciavarelli, 301 New Darlington Road, stated he was videotaping the meeting.

Mr. Shropshire stated Council did not meet in Executive Session. He stated the Finance and Administration Committee met this evening and that meeting will be covered later in this meeting.

2. APPROVAL OF MINUTES

Mrs. Powell made a motion to approve the minutes of February 25, 2019 and Mr. Read seconded the motion. The motion carried with a vote of 4-0. Mr. Shropshire and Mr. Carlson abstained.

3. COMMENTS FROM THE PUBLIC

Ms. Kelly Johnson, 711 Iris Lane, stated she wanted to extend her thanks to Mr. Haines for providing information in a timely fashion and responding to a lot of questions from the public. She also thanked Mr. Haines for posting information about the referendum on the website.

4. REPORTS

A. CHAIRMAN - NO REPORT

B. COMMITTEE

1. Finance and Administration Committee

Mr. Carlson announced the Finance and Administration Committee met to discuss a draft fiscal policy for the Township funds and operations. He stated there was a discussion on a 2020 Draft Budget timeline and a discussion on whether to have a usage fee or convenience fee for credit card usage.

2. Notice - Land Planning Committee, April 8, 2019 at 6:00 p.m.

Mr. Haines stated this is to announce the upcoming Land Planning Committee meeting.

C. MANAGER

1. Fuel Pump Update: Remediation Timeline and Workplace.

Mr. Haines stated this was addressed twice publicly. He stated last week the Township received acceptance from DEP of the timeframe to remediate the issues. He stated the Township is assessing removing from underground storage to aboveground storage. He stated Pennoni Associates is helping with the permitting process. Mr. Haines stated the Township is aggressively pursuing an 8-12-week remediation timeline. He stated this will allow no downtime that could potentially impact the service operations for the Public Works Department and the Fire Companies. He stated the Township is looking to have 2 aboveground storage tanks for fuel. He stated he wanted to hit the timelines for remediation so as to not go out of service. Mr. Haines stated he will provide updates to the Council.

D. ENGINEER - NO REPORT

5. OLD BUSINESS - N/A

6. PUBLIC HEARING

Mr. Galloway made a motion to open the Public Hearing and Mr. Byrne seconded the motion. The motion carried with a vote of 6-0.

SEE ATTACHED

Mr. Galloway made a motion to close the Public Hearing and Mrs. Powell seconded the motion. The motion carried with a vote of 6-0.

Mr. Galloway made a motion to include in the resolution the conditions regarding hours of operation and to comply with all Zoning and Building Code requirements and Mrs. Powell seconded the motion. The motion carried with a vote of 6-0.

7. NEW BUSINESS

A. Consideration for Approval: Resolution #2109-28, Municipal Primary Election Ballot Question for the Acquisition of approximately 81 acres.

Mr. Haines stated this is the opportunity for Council to place the question on the ballot for the agreement in principal with Elwyn, Inc. for the 81-acres known as the western portion of Sleighton Park. He stated Mr. Damico, Solicitor, and Ms. Liz Havey, bond counsel, have worked on the question that is outlined in the Resolution to be legally compliant for a ballot question. Mr. Haines stated Mr. Jamie Schlesinger, Director PFM, has been working on the ballot question fiscal impact. He stated this is the timeline to place the Resolution on the ballot. Mr. Shropshire asked if the Resolution is on the website. Mr. Haines stated should the Resolution pass tonight, the approved Resolution as well as other information will be placed on the website. Mr. Read asked for the exact wording of the ballot question. Mr. Haines stated the question is on the Resolution. Mr. Shropshire read the ballot question aloud. "Shall Middletown Township, Delaware County, PA incur electoral debt in the sum of Eight Million Dollars (\$8,000,000) for the purpose of financing the purchase of 80 +/- acres of land, more or less, located at the Northwest Corner of Forge

Road and Valley Road, for active and passive recreational purposes and to preserve open space for the citizens of Middletown Township, and for paying related costs, including but not limited to bond closing costs, legal expenses, appraisals, surveys and settlement costs?" Mr. Damico stated the notice of the municipal primary election is in paragraph three and is exactly the way it will appear in notices required by the act. He stated the document must be certified if it is passed this evening and delivered to the election board. Mr. Damico stated he will deliver the notice to the Election Board on Wednesday, if approved. Mr. Shropshire asked if this is the timeline for the Resolution to appear on the ballot. Mr. Damico answered in the affirmative.

Ms. Kelly Johnson, 711 Iris Lane, stated she wants clarification of the cost. She stated she understood that the Referendum could be less if a grant is passed. She asked if it is legally possible to earmark any of the funds of the referendum for maintenance, planning and post-acquisition costs. Mr. Damico stated the general expenses for the eight-million dollars include the payment for the property, the expenses in connection with acquiring the property and complying with the necessary steps to go to settlement. Ms. Johnson asked if the funds could be used for the maintenance of the structures on the property. Mr. Haines stated the Township cannot put operating expenses into the debt issuance. Mr. Shropshire stated at this point the Township wants to preserve the open space. He stated in going forward the Township will ask Parks and Recreation and the residents what they want to see in the open space. Ms. Johnson asked if an environmental assessment has been done on the property and will the residents hear the results. Mr. Shropshire stated it is in the process and the information will be posted on the website. He stated the Township would not go into a project like this without an environmental assessment.

Mr. Anthony Ciavarelli, 301 New Darlington Road, asked if the property includes both passive and active recreation. Mr. Shropshire stated the intent at this time is to preserve the open space. Mr. Ciavarelli asked what the process is for deciding what to do with the property in the future. Mr. Shropshire stated there is a Parks and Recreation Committee, and Mrs. Powell as well as other members of Council have been involved. He stated the residents should have a say in what to do with the property. Mr. Ciavarelli asked if there will be posted meetings. Mr. Shropshire stated all meetings will be open to the public. Mr. Haines stated the Township will be working on a master plan.

Mr. Kenneth Dinitz, 612 W. St. Andrews Drive, stated he has been looking at the draft budget on the website which lists three possible referendums, the Sleighton open space, the loop-road and the Roosevelt School. Mr. Haines stated the Sleighton open space is the only one put up for electoral debt. He stated the Township is actively working on two grants for the loop-road and should first hear the outcome of those grants. He stated the Township is working with the Library to provide opportunities to make improvements on to the Roosevelt School with current cash reserves.

Mr. Dave Irving, Pembroke Drive, asked if this is an eight-million-dollar referendum and asked how this will affect taxes. Mr. Haines stated Mr. Schlesinger has been working to try to have this information. He stated if the resolution for a referendum passes then information will be on the website and mailed to every home. He stated the estimate for a thirty-year bond is approximately \$8.47 per month. Mr. Shropshire stated this

information will be given to the residents so they will know what the debt issue may be so they can vote accordingly. Mr. Irving asked if the increase in taxes will impact Council’s vote tonight. Mr. Shropshire knows this will increase taxes, but Council wants the exact numbers so the public can make an informed decision as to whether or not they want to assume this debt in order to have the open space. He stated Council would not do this blindly. Mr. Irving stated he looks forward to seeing this information.

Mr. Galloway made a motion to approve Resolution 2019-28 and Mrs. Powell seconded the motion. Resolution 2019-28 carried with a vote of 6-0.

Mr. Shropshire stated he is excited about open space and acquiring this additional property.

B. Authorization for Approval: Roosevelt School Lease Agreement Extension with the Middletown Township Historical Society.

Mr. Shropshire thanked Sue Mescanti of the Historical Society for her dedication to the community. He stated he cannot believe the number of programs the Society has provided so far. Ms. Mescanti thanked Council for their support they have given and for their continuing support.

Mr. Carlson made a motion to approve the lease extension with the Historical Society and Mr. Read seconded the motion. The motion carried with a vote of 6-0.

C. Approval of March 25, 2019 Bill List

Mr. Shropshire read the bill list aloud.

GENERAL FUND		
Aqua Pennsylvania, Inc.	Feb. Hydrant Bills	\$ 11,508.00
A. J. Blosenski, Inc.	Feb. Recycling/Yard Waste	\$ 25,154.53
Barbacane Thornton & Co.	Progress Billing 12/31/2018	\$ 12,225.00
Kelly & Close Engineers	Professional Serv. 1/26-3/1/2019	\$ 32,899.31
Petrikon Wellman Damico Brown & Petrosa	Twp. Solicitor through 2/28/19	<u>\$ 10,855.00</u>
	General Fund Total	\$ 92,641.84
CAPITAL RESERVE FUND		
A. J. Jurich, Inc.	Smedley Park #5	\$ 54,568.47

MIDDLETOWN TOWNSHIP
COUNCIL MEETING
MARCH 25, 2019

RECEIVED
APR 16 2019
MIDDLETOWN TOWNSHIP

In Re: Public Hearing, Conditional Use
153 Bortondale Road

Transcript of a portion of the MIDDLETOWN
TOWNSHIP COUNCIL MEETING, PUBLIC HEARING, in the
above-captioned matter, taken before Lorraine Evans,
Court Reporter-Notary Public, at the Township
Building, 27 North Pennell Road, Media, Pennsylvania
19063, on Monday, March 25, 2019, commencing
approximately at 7:10 p.m.

BOARD MEMBERS

NORMAN C. SHROPSHIRE, Acting Chairman
SUSAN POWELL
WALTER READ
STEPHEN BYRNE
SCOTT D. GALLOWAY
RUSS CARLSON

ANDREW HAINES, Township Manager
JOSEPH A. DAMICO, JR. ESQUIRE, Solicitor
ERIC J. JANETKA, Township Engineer

LORRAINE EVANS
PROFESSIONAL COURT REPORTER-NOTARY PUBLIC
530 Paxon Hollow Road
Broomall, Pennsylvania 19008
(610)203-7715 7evanslorraine@comcast.net

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INDEX TO WITNESSES

NAME:	PAGE:
MEGAN EVERSOLE	3

INDEX TO EXHIBITS

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T-2	Affidavit of Publication	4
T-3	Mailing Cards	4

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1 CHAIRMAN SHROPSHIRE: Public hearing. Is
2 there a motion to open the meeting?

3 MR. GALLOWAY: I will make that motion to
4 open the public hearing.

5 MR. CARLSON: Second.

6 CHAIRMAN SHROPSHIRE: All in favor?
7 Opposed? So moved.

8 (Whereupon, all Council members
9 present vote "aye.")

10 CHAIRMAN SHROPSHIRE: So, moving forward
11 with the public hearing, is the applicant's
12 attorney here or who is present as far as this
13 hearing?

14 MR. HAINES: The applicant is here.

15 A VOICE: My name is Megan Ebersole. I'm
16 the applicant.

17 MEGAN EVERSOLE, having been duly
18 sworn, was examined and
19 testified as follows:

20 MR. DAMICO: Before we begin, we have
21 certain township exhibits that we have to have
22 marked and placed into evidence.

23 MR. HAINES: Thank you, Mr. Damico. The
24 first one is Township One, the public hearing

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1 notice that was provided regarding this
2 application. Township Item Number Two,
3 Affidavit of Publication that was published on
4 March 8 and March 15, as well as digitally on
5 March 8 and March 15 in the Daily Times and
6 Sunday Times. And Township Exhibit Three would
7 be the mailing cards of all the notifications
8 of surrounding properties regarding this
9 application.

10 (Whereupon, a few documents were
11 introduced and marked for
12 identification as Exhibits T-1,
13 T-2 and T-3.)

14 CHAIRMAN SHROPSHIRE: So you understand,
15 this paperwork has to be placed. It is
16 procedural that we have to do this because it
17 is a public hearing. So if you would like, go
18 right ahead and give us an explanation what you
19 would like to do. I understand you have
20 already appeared before the Zoning Hearing
21 Board and received approval from them.

22 If you could give us a brief outline of
23 what your plans are. If the audience or
24 members of Council have questions, we can go

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1 ahead and address those questions directly to
2 you. Relax, take your time, tell us what your
3 plans are.

4 THE WITNESS: So, I currently have a
5 retail photography studio in town down Media,
6 and I would like to move that to my home,
7 particularly the garage of our home.

8 CHAIRMAN SHROPSHIRE: I see that there
9 were questions as far as parking that you
10 addressed with the Zoning Hearing Board and
11 there will be off street parking?

12 THE WITNESS: Yes. I applied for a
13 variance because the code had required eight
14 parking spots and --

15 CHAIRMAN SHROPSHIRE: Rather excessive. I
16 guess you would love to have eight clients at a
17 time.

18 THE WITNESS: No, actually. I am okay
19 with how it is running now, one at a time. So,
20 that was a little excessive, so that's why I
21 applied for the variance.

22 CHAIRMAN SHROPSHIRE: Mr. Haines, so then
23 our code -- and Meredith is here also, so our
24 code requires that many spaces, for what

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1 particular reason?

2 MS. MERINO: It was two for the
3 residential use and six more for the -- both
4 sides of the photo studio.

5 CHAIRMAN SHROPSHIRE: Square footage?

6 THE WITNESS: It was two for the
7 residents, two for the business and one per
8 hundred square foot of the business.

9 MR. GALLOWAY: So this photography studio,
10 I assume it's mostly by appointment?

11 THE WITNESS: Yes, all by appointment.

12 MR. GALLOWAY: Those appointments are
13 spaced usually how far apart?

14 THE WITNESS: Just depends on the type of
15 session that it is. Typically anywhere from
16 four hours apart to 30 minutes apart.

17 MR. GALLOWAY: And the hours of operation
18 would be from when to when?

19 THE WITNESS: Ten to four.

20 MR. GALLOWAY: And is that Monday
21 through Saturday?

22 THE WITNESS: Tuesday through Saturday.

23 MR. GALLOWAY: So ideally you would only
24 have one client at a time except maybe when

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1 there's an overlap, someone's coming in and
2 someone's leaving?

3 THE WITNESS: Yes, and I try to schedule
4 so there isn't that overlap.

5 CHAIRMAN SHROPSHIRE: Plus they have a
6 large family.

7 THE WITNESS: We don't.

8 CHAIRMAN SHROPSHIRE: The clients.

9 MR. GALLOWAY: And basically -- you'll
10 have to forgive my ignorance, I don't know too
11 much about photography studios. What type of
12 equipment are necessary for you to maintain in
13 your business?

14 THE WITNESS: Sure, so everything is
15 digital. So, computers, digital cameras, some
16 lighting, that's essentially it.

17 MR. GALLOWAY: This would take place in
18 the garage of your home?

19 THE WITNESS: Yes. It is an attached one
20 and a half car garage.

21 MR. GALLOWAY: And that means that -- how
22 many vehicles do you and your family own?

23 THE WITNESS: We own two.

24 MR. GALLOWAY: They wouldn't obviously be

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1 able to be parked inside your garage because
2 that's going to be utilized for the studio.

3 THE WITNESS: That's correct. We
4 currently don't park in there anyway.

5 MR. GALLOWAY: Fair enough. And so, your
6 variance that you're asking for, for relief in
7 the parking, how many actual parking spots are
8 you requesting?

9 THE WITNESS: So I requested five, because
10 it would be two for us and three for the
11 business.

12 MR. GALLOWAY: I have no further
13 questions.

14 CHAIRMAN SHROPSHIRE: Any other questions
15 from members of Council?

16 MR. DAMICO: Just one. Will there be any
17 employees?

18 THE WITNESS: No.

19 CHAIRMAN SHROPSHIRE: Are there any
20 questions from members of our audience this
21 evening?

22 MR. GALLOWAY: I'm sorry, just one more
23 question. I said I had none, but I just
24 remembered one. Are you currently still in

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1 Media and planning to move or have you shut
2 down your Borough of Media operation?

3 THE WITNESS: I will be at my retail
4 location until December 31st of this year.

5 MR. GALLOWAY: I'm sorry, that is where?

6 THE WITNESS: 16 South Orange.

7 MR. GALLOWAY: Now I have no further
8 questions.

9 CHAIRMAN SHROPSHIRE: Any questions from
10 the audience? Are there any neighbors here
11 this evening? I understand there was no
12 objection from neighbors?

13 THE WITNESS: No.

14 CHAIRMAN SHROPSHIRE: Seeing there are no
15 questions from the audience or Council, motion
16 to close the public hearing.

17 MR. GALLOWAY: Joe, any other exhibits
18 that need to be introduced in reference to
19 this?

20 MR. DAMICO: We introduced the only three
21 that are required.

22 MR. GALLOWAY: I'll make a motion to close
23 the public hearing.

24 MR. BYRNE: Second.

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CHAIRMAN SHROPSHIRE: All in favor?

Opposed? So moved.

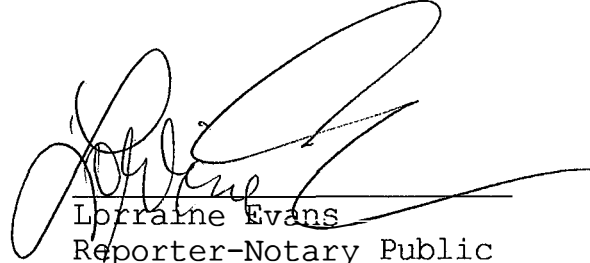
(Whereupon, all Council members
present vote "aye.")

(Whereupon, the public portion
of the meeting is concluded at
7:15 p.m.)

LORRAINE EVANS

1 REPORTER'S CERTIFICATION

2 I HEREBY CERTIFY that I was present upon the
3 hearing of the above-entitled matter and there
4 reported stenographically the proceedings had and the
5 testimony produced; and I further certify that the
6 foregoing is a true and correct transcript of my said
7 stenographic notes.

8
9 

10 Lorraine Evans
11 Reporter-Notary Public
12 My Commission Expires
13 October 25, 2022

14
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16 (The foregoing certification of this transcript does
17 not apply to any reproduction of the same by any
18 means, unless under the direct control and/or
19 supervision of the certifying reporter.)
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