

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
MARCH 28, 2022

Minutes of the Regular Meeting of Township Council held on March 28, 2022 at 7:00 p.m. in the Township Building located at 27 N. Pennell Road.

Present: David Bialek, PharmD, R.Ph, Jackie Donnelly, Bibianna Dussling, Kathleen O'Connell-Bell, Susan Powell, Walter "Bok" Read, Charles Miller Esq., John McMullan, Vince Visoskas, Eric Janetka

Excused: Mark Kirchgasser

1. OPENING: PLEDGE OF ALLEGIANCE TO THE FLAG

Ms. O'Connell-Bell called the meeting to order and led in the recitation of the Pledge of Allegiance to the Flag.

2. APPROVAL OF MINUTES

A) Draft Township Council Minutes: February 28, 2022

Ms. Donnelly made a motion to approve the February 28, 2022 minutes. Mr. Bialek seconded the motion. The motion carried with a vote of 6-0.

3. PUBLIC COMMENTS

Mr. Castellano, 20 Cabot Court, stated he has been before Council with concerns about parking on Bonsall Drive. He stated Mr. McMullan sent a letter to the Homeowners Association which in turn sent out a letter three weeks later to the homeowners. He stated 30 days have passed and cars are still parking on Bonsall Drive. Mr. Castellano said one car parked at Middletown Crossing. He stated there are two commercial vehicles parked on Bonsall Drive. He stated this has gone on for three years and they were given a 30-day notice. He asked when the Township will be putting up the "No Parking" signs. Ms. O'Connell-Bell asked if the timing is accurate. Mr. McMullan stated he cannot speak to the date the Homeowners Association distributed the letter which he provided in the middle of January. He stated he is in contact with the President of the Homeowners Association and is given weekly updates on the parking issue. Mr. McMullan stated unfortunately nothing has improved since the letter was sent. He stated in 2013, a letter seemed to resolve the parking issue but unfortunately with this go around the letter is not improving the parking issue. Mr. McMullan stated he will work with the solicitor on next steps in terms of implementing the "No Parking" signs which will require an Ordinance to be enforceable. Mr. Castellano asked if commercial vehicles are allowed to park overnight as he understood there is an Ordinance prohibiting this and Mr. McMullan stated he is incorrect, the Township does not have an ordinance prohibiting the parking of commercial vehicles on Township roads. Mr. Castellano stated there are two commercial vehicles parked overnight, a Terminix truck and a white utility van. Mr. McMullan stated he will look into this issue.

4. REPORTS

A. CHAIRMAN - None

B. COMMITTEE

- 1) Roads, Highways, and Public Safety Committee members met on Tuesday, March 22, 2022, at Rocky Run Fire House for an update on activities at the station.

Mr. McMullan stated a couple members of the Roads, Highways, and Public Safety Committee had a meeting at the Rocky Run Fire Station to discuss updates on activities the fire company is working on. The meeting dealt with apparatus as well as a proposed relocation of the Rocky Run Fire Station to the RV campground on Baltimore Pike. He stated this is in its infancy stages and the members shared architectural renderings of a future building and technology plans for the building to potentially serve as an emergency operation center for the Township as well as partnering with Delaware County. Mr. McMullan stated at this point it is just a proposal which the fire company wanted to share with the Roads, Highways, and Public Safety Committee.

C. MANAGER - NONE

D. ENGINEER - NONE

5. PUBLIC HEARING

- A. A Public Hearing on amending Middletown Township's Comprehensive Plan, as authorized by Article III, Section 302 of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and approved by Middletown Township Resolution 2020-27, by adopting the Parks, Recreation, and Open Space Plan (PROS Plan) as an amendment to Middletown Township's Comprehensive Plan.

Ms. Donnelly made a motion to open the Public Hearing. Ms. Dussling seconded the motion.

Ms. Jamie Jilozian stated the PROS Committee has been working since March 2021 and has come up with a final draft. She stated she will review the overall plan recommendations and will ask for Council to pass the Resolution. Ms. Jilozian stated there were public information meetings in May 2021 and December 2021. Throughout June to December, they did all the drafting of the plan with a task force comprising of the Parks and Recreation Committee, a representative from the Middletown Land Conservancy, and a member of the Planning Commission. The task force helped with editing and reviewing the draft every month with the final draft completed in February of 2022. Ms. Jilozian stated there are 6 main Chapters of the plan; the Introduction and Inventory where we talked about all of the resources that relate to Parks Recreation and Open Space in Middletown Township, the goals and objectives in moving forward in the next 10 years, the plans for open space, the plans for trails, and the plan for parks and recreation make up the bulk of the recommended plan as well as operations and implementation and funding.

Chapter 1, Inventory. Ms. Jilozian reported there are over 1500 acres of open space with 350 acres municipal owned which is passive open space; parks have 625 acres total with Middletown owning 413 acres which are active recreation; trails are 32 miles with Middletown Township owning half and the other half is in Tyler Arboretum.

Chapter 2, Goals. Ms. Jilozian reported the six goals. Goal 1: Utilize open space as a means to protect sensitive natural features while ensuring that public access respects the environmental function of natural areas. Goal 2: Encourage preservation of undeveloped land within the Township in order to grow the open space network. Goal 3: Promote and encourage active healthy living for residents by providing a wide variety of recreation opportunities for people of all ages and interests in the community. Goal 4: Ensure safety and security of Township parks and recreation facilities through thoughtful design and implementation of upgrades that meet current safety standards. Goal 5: Provide active and passive activities in parks and recreation facilities that meet the needs of all Township residents' ages and abilities. Goal 6: Expand the trail system to increase access to recreational opportunities and other key destinations in the Township.

Ms. Jilozian reported on the objectives and the goals. Goal 1: prioritize the conservation of stream corridors and preserve and enhance riparian buffers to protect water quality; explore opportunities to implement green stormwater infrastructure within municipal open space to reduce runoff and enhance water quality; identify opportunities for conservation of land adjacent to existing open space to protect contiguous natural features; provide environmental educational opportunities in Township parks through signage and programs. Goal 2: identify and evaluate opportunities to acquire or conserve remaining large undeveloped parcels in the Township; explore opportunities to work with institutions and other large landowners to permanently conserve undeveloped portions of their properties; target land adjacent to existing park space for park conversion to grow and enhance existing recreational amenities. Goal 3: serve as the point of contact for information concerning community recreation opportunities; plan for new parks and park redevelopment through extensive public engagement to ensure designs meet the needs of residents. Goal 4: ensure safety and security within Township parks; explore opportunities to install improvements that enhance safety and security of park users. Goal 5: evaluate existing and projected demographic changes to anticipate the future open space and recreational needs of township residents; prepare and implement park and recreation area master plans that identify facilities and programs to serve the needs of existing and future populations within the Township; provide amenities that meet the current ADA standards and requirements in Township parks. Goal 6: identify trail parking needs and ensure design for ADA compatibility where feasible; plan for pedestrian and biking connections to and between parks and other key destinations that are not already connected to the existing pedestrian network.

Chapter 3, Plan for the Open Space

Ms. Jilozian reported the task force came up with a map that shows all of the open space in the Township per category as well as County parks and State parks, privately protected land, homeowners associations and farmland. Private farmland is not protected but is included in the open space plan. Ms. Jilozian presented the 10 recommendations for open space and explained for more details they can be accessed on the Township website.

Chapter 4, Plan for Trails

Ms. Jilozian stated they expanded on the pedestrian trails that were in the Comprehensive

Plan adopted in October 2020 and added the proposed sidewalks and proposed trails and added additional connections such as connecting sidewalks along Middletown Road that would tie into sidewalks the community center might add. She stated we are not connecting everything everywhere as it would be very difficult. The main connection is to be able to go from one side of the Township across to the other side primarily to traverse from the Chester Creek Trail across the Mint property along Baltimore to the Promenade and work towards Tyler Arboretum and Ridley Creek State Park. She stated the task force had 7 trail recommendations.

Chapter 5, Plans for Parks and Recreation

Ms. Jilozian stated one of the interesting things the task force dealt with was the National Park and Recreation standards for what is provided to communities based upon population. Middletown Township falls under less than 20,000 people and based on the population there are benchmarks set to follow. The benchmarks were used to create a chart to figure out the needs in Middletown Township and start to address those needs. Ms. Jilozian displayed a chart addressing the current playground facilities in the Township and the 10-year goals to serve the future population. There are 11 recommendations for the Parks and Recreation Plan.

Chapter 6, Operations and Implementation

Ms. Jilozian stated the Roosevelt Community Center falls under operations. She stated this chapter looked at park maintenance and encourages investment in the places that are priorities and to get things in line for grant assistance. Ms. Jilozian stated the task force did master planning of the open space plan partnering with Natural Lands Trust for Lenni, Indian Orchards, and Sleighton Farms park. She stated with the master plans there were also cost estimates. Indian Orchards park has a need for additional parking. The master plans helps to set up for funding which will be needed for park improvements. Ms. Jilozian stated Lenni Park has not been updated since the 1990's and needs an overall reboot and redevelopment for a cost of approximately \$2 million. This work can be done in phases starting with parking and accesses for ADA compliance.

She stated applications have already been submitted to DCNR for grant money. The addition of active recreation is key as well as an update to the playground. She stated stormwater management is also a priority. Ms. Jilozian stated Sleighton Farm Park is a blank slate with a lot of open space to work with which is valuable in Middletown Township to have active recreation, trails, and a mixture of so many things. She stated with an estimate of \$10 million, improvements will take a long time and will have to be done in phases. It is important that the blueprint for the park is done to help in applying for grants. She stated at the public meeting in December there was great feedback with Sleighton Park the top topic. Ms. Jilozian asked for any questions.

Ms. Dussling asked if the figures for the playgrounds only included Township-owned property, and Ms. Jilozian stated the figures did include the school playgrounds. She stated the task force went back and forth with this question and decided the school playgrounds are used quite a lot and should be included. Ms. Donnelly stated she was pleased the proposed tennis courts also included pickle ball courts as the sport is very

popular. Ms. Jilozian stated at this time there are no tennis courts in Middletown Township. Mr. Bialek asked if estimates were done for the maintenance costs to the Township, and Ms. Jilozian stated the entire impetus for Chapter 6 was to show the amount of time in hours and equipment that goes into park maintenance and to evaluate the current inventory and to reevaluate when acquiring additional land. She stated there are recommendations to address the maintenance issues.

Mr. Charles Miller, Esq. asked what comments were received from other municipalities and agencies. Ms. Jilozian stated she sent out copies 45 days ago to adjacent municipalities, the school board, and Delaware County with the main comments from Edgmont Township. She stated Edgmont Township is having a connect Edgmont campaign and perhaps Middletown Township would want to partner with them to connect trails. Ms. Dussling asked given the proximity to the proposed development with Edgmont and Middletown Townships is there a possibility for the municipalities to work together. Ms. Jilozian stated the problem on the Edgmont Township side is there is a lot of agricultural land which is not accessible to the public and they will never have a trail. There is, however, a development in Edgmont Township with a trail that can be connected to the Middletown Township trail and all of that will connect to Sleighton Park. Ms. Dussling asked if municipalities ever partner on maintenance upkeep of parks, and Ms. Jilozian stated typically that does not happen.

Ms. Dussling made a motion to close the Public Hearing. Ms. Donnelly seconded the motion. The motion carried with a vote of 6-0.

- 1) Consideration for Approval: Resolution 2022-14, authorizing the adoption of the Parks, Recreation, and Open Space Plan (PROS Plan) as an amendment to the Comprehensive Plan.

Mrs. Powell made a motion to approve Resolution 2022-14. Ms. Dussling seconded the motion. The motion carried with a vote of 6-0.

- B. A Public Hearing amending the Middletown Township Code of Ordinances Chapter 275-199 E. (3), relating to regulations for flag lots and interior lots.

Ms. Donnelly made a motion to open the Public Hearing. Mr. Bialek seconded the motion. The motion carried with a vote of 6-0.

SEE ATTACHED STENOGRAPHER'S REPORT

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

- 1) Consideration for Approval: Ordinance No. 841, approving the amendment to Chapter 275-199.E.(3), by deleting the existing section 275-199.E.(3) and replacing it with, "no more than one flag lot or one interior lot may be created from a parent tract".

Ms. Dussling made a motion to approve Ordinance 841. Mrs. Powell seconded the motion. The motion carried with a vote of 5-1. Ms. O'Connell-Bell abstained from the vote.

6. NEW BUSINESS

A. Consideration for Approval: Resolution 2022-15, Final Land Development for Granite Farms Estates located at 1343 W. Baltimore Pike.

Ms. Bernadette Kearney, representing Granite Farms Estates, presented a proposed addition of 3,035 square foot addition to the front of the building. She stated the porte cochere that exists in the front of the building will be demolished and changed into a sunroom. Ms. Kearney reported they were before the Zoning Hearing Board last week. She stated the main entrance with the new porte cochere will be on the other side which was displayed to Council. She stated because of the rearrangement of parking and the reduction of the parking, there is no stormwater management needed because of the reduction of impervious surface. Mr. Irvine showed on the display the location of the sunroom and the covered porch. He also located on the plan the locations of parking areas. Mr. Irvine showed the location of garden areas on the plan as well as ADA parking spaces. Mr. Irvine stated every area including the parking lot is 5% grade or less. Mr. Irvine showed the location of the loading area on the plan and the restriping of the parking areas. Ms. O'Connell-Bell asked for the projected timeline of the project in conjunction with all the construction in the area. She then stated she confused this project with the construction at Riddle Hospital. Mr. Read asked if there is any opposition from the people living there and Mr. Irvine answered no. Ms. Kearney stated Brian Levesque who is the Executive Director indicated the sunroom is nice for the skilled nursing facility to be able to see outside. He stated it will also be helpful for the space needed for COVID precautions. Mr. Irvine stated the structure is two story with the second story being the dining area which provides a good view of the outside. Ms. O'Connell-Bell asked the amount of the reduction in impervious surface. Ms. Kearney stated there is a reduction, but she does not know the number.

Ms. Dussling made a motion to approve Resolution 2022-15. Ms. Donnelly seconded the motion. The motion carried with a vote of 6-0.

B. Consideration for Approval: Resolution 2022-16, authorizing the Township Manager and Solicitor to negotiate an agreement for emergency medical services transport with Main Line Health Services - Riddle Hospital.

Mr. McMullan stated before Council is Resolution 2022-16 which authorizes himself as Township Manager and the solicitor to negotiate an agreement for emergency ambulance services with Riddle Hospital/Main Line Health for advanced life support (ALS) and basic life support (BLS) services for Middletown Township making Riddle ambulances first due in the Township. The current agreement with Riddle Hospital is done by Resolution and the future Resolution will be supported by an agreement to outline exactly what the services are, how they will be offered by Riddle, and any exchange of insurance between Middletown Township and Riddle Hospital. This Resolution authorizes the Township

Manager and the Township Solicitor to negotiate the agreement to be presented to Council when executed. Ms. Dussling asked if the agreement addresses the primary response or other ambulance response. Mr. McMullan stated this addresses the primary ambulance response.

Mrs. Powell made a motion to approve Resolution 2022-16. Mr. Read seconded the motion. The motion carried with a vote of 6-0.

C. Consideration for Approval: Resolution 2022-17, Amendment of Township Fee Schedule.

Mr. McMullan stated before Council is Resolution 2022-17 which amends the Resolution 2019-47 amending the Township Fee Schedule. He stated this amendment is reducing Subdivision and Land Development fees which after a review by staff have come to the realization the overall increase was slightly out of line in the 2019-47 Resolution. He stated the reduction will still cover staff time and review time and is more reasonable to the applicants. Mr. Bialek asked if there is a recourse to the applicants who paid those fees prior to this reduction and Mr. McMullan stated there will be no recourse and stated these fees are more in line and will still cover staff time reviews. Ms. O'Connell-Bell noted significant reductions in some areas. Ms. Dussling asked what prompted the review, and Mr. McMullan stated there was feedback from contractors and homeowners who stated the fees were higher than surrounding municipalities.

Ms. Donnelly made a motion to approve Resolution 2022-17. Mr. Bialek seconded the motion. The motion carried with a vote of 6-0.

D. Consideration to authorize waiving bidding requirements for Collinson Inc., for emergency work to remove and install a section of guide rail on E. Knowlton Road for a price not to exceed \$14,188.

Mr. McMullan stated before Council is an invoice from Collinson, Inc. to install a section of guide rail on E. Knowlton Road resulting from a vehicle accident on December 11, 2021. Public works was able to remove a small section and was able to shore up the guide rail. He stated this invoice will be able to do the entire removal and installation of the guide rail. He stated after a review with PennDOT, the current guide rail does not meet requirements. He stated although this is below the public bid threshold, it still is above \$5,000 and requires approval by Council. Ms. O'Connell-Bell asked if they gave an indication of how quickly they can begin work, and Mr. McMullan stated they can start the second week of April. Mrs. Powell asked if any of the cost can be recovered by insurance money. Mr. McMullan stated they do not know at this point but have acquired the police report and submitted the information to the Township's insurance company.

Mr. Bialek asked if it has been confirmed there is no conflict of interest with Collinson, Inc. Mr. McMullan stated he is unaware of any conflict, and this is a company that has been used in the past. Ms. O'Connell-Bell asked if the price is all inclusive and Mr. McMullan stated it is.

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

E. Approval of March 28, 2022 Bill List.

Ms. O'Connell-Bell read the Bill List aloud.

GENERAL FUND		
A.J. Blosenski, Inc.	February Recycling & Yard Waste	\$ 37,840.91
Aqua Pennsylvania	February Hydrant Bills	\$ 9,443.86
Barbacane Thornton & Co.	Professional Billing/Audit 2021	\$ 14,225.00
Kelly & Close Engineers	Professional Services Ending 2/25/22	\$ 7,845.62
	MS/Stormwater Ending 2/25/22	\$ 510.75
		<u>\$ 8,356.37</u>
Keystone Municipal Services, Inc.	Contracted Services 2/8/22 - 2/18/22	\$ 7,275.00
Middletown Free Library	Q1 2022 - Library Distribution	\$ 62,500.00
PA Municipal Health Ins. Co-op	April Health Insurance	\$ 34,729.00
	April Health Insurance - Recreation	\$ 2,080.82
		<u>\$ 36,809.82</u>
PECO	Roosevelt Community Ctr. 1/26-2/24/22	\$ 5,835.58
Petrikin Wellman Damico	March 2022 Retainer	\$ 1,000.00
Brown & Petrosa	Twp. Solicitor Billed Through 2/28/22	\$ 5,850.00
		<u>\$ 6,850.00</u>
United Inspection Agency, Inc.	Electrical Inspections February 2022	\$ 21,645.00
General Fund Total		<u><u>\$ 210,781.54</u></u>
2019 G.O. BOND - TRID		
Kelly & Close Engineers	Trails - Period Ending 2/25/22	<u>\$ 19,449.28</u>

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

Ms. O'Connell-Bell adjourned the meeting at 7:57 pm.

Respectfully Submitted,



Sharon Browne

3-28-22

RECEIVED

MAY 31 2022

MIDDLETOWN TOWNSHIP

1 MIDDLETOWN TOWNSHIP
2 COUNCIL MEETING

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6 PUBLIC HEARING AMENDING THE MIDDLETOWN TOWNSHIP CODE OF
7 ORDINANCES CHAPTER 275-199E.(3) RELATING TO REGULATIONS FOR
8 FLAG LOTS AND INTERIOR LOTS

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12 MARCH 28, 2022

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17 Township of Middletown Council meeting held at the Township
18 of Middletown Municipal Building, 27 North Pennell Road,
19 Lima, PA, in the above-referenced matter at 7:32 p.m.

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28 LORI A. DiFABIO
29 PROFESSIONAL COURT REPORTER-NOTARY PUBLIC
30 P.O. BOX 292
31 MEDIA, PA 19063
32 610-659-7676
33 loridm@comcast.net

3-28-22

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1 MEMBERS OF COUNCIL

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3 KATHLEEN O'CONNELL BELL, CHAIRPERSON

4 JACKIE DONNELLY, AT-LARGE

5 SUSAN K. POWELL, FIRST DISTRICT

6 WALTER BOK READ, SECOND DISTRICT

7 BIBIANNA DUSSLING, THIRD DISTRICT

8 DAVIDE BIALEK, PharmD, R.Ph, FOURTH DISTRICT

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11 ALSO PRESENT:

12 JOHN McMULLAN, TOWNSHIP MANAGER

13 MEREDITH MERINO, ASSISTANT CODE ENFORCEMENT OFFICER

14 SHARON BROWNE, RECORDING SECRETARY

15 ERIC J. JANETKA, ENGINEER

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18 JOSEPH A. DAMICO, JR., ESQUIRE, TOWNSHIP SOLICITOR

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1 MS. BELL: That takes us to agenda item
2 5-B, another public hearing.

3 You have a tough one to follow there,
4 Mr. McMullan.

5 This will be amending Middletown
6 Township Code Ordinance Chapter 275-199E
7 relating to regulations for flag lots and
8 interior lots.

9 Mr. McMullan.

10 MR. McMULLAN: Yes. Thank you, Madam
11 Chairperson.

12 MS. BELL: I guess we should move to
13 open the public hearing.

3-28-22

14 MR. McMULLAN: Right.

15 MS. BELL: Procedurally defective this
16 evening. I apologize.

17 Could we have a motion to open the
18 public hearing?

19 MS. DUSSLING: So moved.

20 MS. BELL: Is there a second?

21 MR. BIALEK: Second.

22 MS. BELL: All those in favor.

23 MS. DUSSLING: Aye.

24 MS. POWELL: Aye.

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1 MS. DONNELLY: Aye.

2 MR. READ: Aye.

3 MR. BIALEK: Aye.

4 MS. BELL: Aye.

5 MR. McMULLAN: Thank you, Madam

6 Chairperson.

7 So, tonight as part was brought up at a
8 prior council meeting, it's just a small

3-28-22

9 revision to the Zoning Ordinance, Chapter
10 275-199, Section E, Subsection 3 relating to
11 regulations for flag lots and interior lots.

12 So, it's just a minor revision in terms
13 of the wording.

14 Ordinance 841 will approve the
15 amendment to Chapter 275-199, Section E,
16 Subsection 3 by deleting the existing
17 section and replacing it with no more than
18 one flag lot or one interior lot may be
19 created from a parent track.

20 When the ordinance was previously
21 adopted on July 13th of 2020, it was just an
22 oversight in terms of the wording related
23 to that section.

24 So, the section, as it's written now,

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1 is "Flag Lots And Interior Lots" -- No. I'm
2 sorry.

3 "No more than one flag lot and one
4 interior lot may be created from a parent

3-28-22

5 track".

6 This deletes the language and restates
7 it as replacing with "no more than one flag
8 lot or one interior lot may be created from
9 a parent track".

10 So, that's the revision.

11 It's been reviewed by Delaware County
12 Planning Commission.

13 It's been reviewed for recommendation
14 for approval.

15 It's been reviewed by Middletown's
16 Planning Commission for approval, and it's
17 been properly advertised for your
18 consideration, but you have to close the
19 public hearing and see if there is questions
20 for that.

21 MS. BELL: Motion to close the Public
22 Hearing?

23 MR. READ: So moved.

24 MS. BELL: Any questions from members of

3-28-22

1 council first?

2 MS. DONNELLY: I do.

3 So, you're saying if someone owns ten
4 acres of land currently, they would have the
5 primary residence and then the ability to
6 have one flag lot, and that's it?

7 MR. McMULLAN: And that's it. Correct.

8 MS. DONNELLY: So, I guess how are
9 people notified?

10 Like if you have a property with five
11 acres and were kind of banking on that
12 someday to sell and subdivide, like how are
13 the residents in the community aware of this
14 change?

15 MR. McMULLAN: It's available on our
16 website.

17 Other than that, it would be a matter
18 of the resident or a professional that they
19 are working with approaching the township
20 about it.

21 MS. DONNELLY: Okay.

22 MR. McMULLAN: But we could also
23 highlight it in our weekly newsletter that

3-28-22

24 there has been a change in the wording, and

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1 then, also have it posted as an announcement
2 on our website.

3 MS. DONNELLY: Because currently there
4 are several communities that have one
5 driveway and four houses are kind of the
6 maximum now currently now that can go off
7 of that.

8 Why are we making this suggestion for
9 change?

10 I saw something about emergency
11 vehicles or parking.

12 Has that presented as a problem?

13 MR. McMULLAN: It's more so the challenge
14 in terms of obtaining the easement with the
15 interior lot over the flag lots.

16 So, it makes it very difficult because
17 then there is also a restriction in the
18 frontage of a flag lot on a street and then
19 the crossover of getting an access road into

3-28-22

20 the interior lot from the flag lot.

21 So, the way it is written right now
22 really complicates the way the Zoning Code
23 is written.

24 So, hopefully this will actually

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1 simplify it in terms of it being either/or.

2 MS. BELL: And Mr. McMullan, am I
3 correct, there is probably not any pending
4 applications right now that --

5 MR. McMULLAN: Yes. There is one.

6 MS. BELL: There is?

7 MR. McMULLAN: Yes. There is one
8 pending which will make the timeline because
9 this ordinance would not be effective for
10 thirty or thirty-one days.

11 So, they are well aware of that and
12 within that timeline.

13 MS. BELL: Okay. Any other questions
14 from members of council?

3-28-22

15 Anyone from the public, any questions

16 on this proposal?

17 Seeing none, is there a motion to

18 close the Public Hearing?

19 MS. POWELL: So moved.

20 MS. BELL: Is there a second?

21 MR. BIALEK: Second.

22 MS. BELL: All those in favor.

23 MS. POWELL: Aye.

24 MR. BIALEK: Aye.

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1 MS. DUSSLING: Aye.

2 MS. DONNELLY: Aye.

3 MR. READ: Aye.

4 MS. BELL: Aye.

5 All right. So, that brings us to

6 consideration for approval of Ordinance 841.

7 Is there a motion?

8 MS. DUSSLING: So moved.

9 MS. BELL: For approval?

10 MS. DUSSLING: For approval.

3-28-22

11 MS. BELL: Is there a second?

12 MS. POWELL: Second.

13 MS. BELL: All those in favor?

14 MS. DUSSLING: Aye.

15 MR. BIALEK: Aye.

16 MS. POWELL: Aye.

17 MR. READ: Aye.

18 MS. BELL: I'm going to abstain from
19 this.

20 For those that don't know, there is a
21 member of my firm who serves as the
22 solicitor for the Zoning Hearing Board, and
23 to always avoid any potential concern or
24 conflict, I will be abstaining from any

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1 votes related to anything concerning zoning.

2 So, while I don't think this is a
3 particular issue, I'm going to abstain from
4 this vote.

5 Okay. That brings us to agenda six.

3-28-22

6 new business.

7 MS. DONNELLY: Can I be opposed to
8 that?

9 MR. BIALEK: Not opposed to you
10 abstaining.

11 MS. DONNELLY: Am I allowed to do so?
12 I just --

13 MR. McMULLAN: Absolutely.

14 MS. DONNELLY: Okay.

15 MS. BELL: You absolutely can. Yes.
16 Can we revise the votes then?

17 I believe we had a motion for approval
18 from Miss Powell?

19 MS. DUSSLING: I moved for approval.

20 MS. BELL: And you were second. Okay.

21 So, a move for approval from Bibianna.

22 A second from Ms. Powell.

23 And then, you would like to change your
24 vote?

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1 Could we do a revote on that one?

3-28-22

2 MS. DONNELLY: We never voted.

3 MS. BELL: Do we have a motion to
4 approve?

5 MS. DUSSLING: So moved.

6 MS. BELL: Is there a second?

7 MS. POWELL: Second.

8 MS. BELL: Okay.

9 All those in favor.

10 MS. DUSSLING: Aye.

11 MR. BIALEK: Aye.

12 MS. POWELL: Aye.

13 MR. READ: Aye.

14 MS. BELL: Any opposed?

15 MS. DONNELLY: Yes.

16 MS. BELL: And again, I reiterate my
17 abstention.

18 MS. DONNELLY: And I have no conflict
19 whatsoever. It's my choice.

20 MS. BELL: Understood.

21 - - -

22 (Whereupon, the matter was concluded at
23 7:38 p.m.)

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