

MIDDLETOWN TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA  
APRIL 24, 2023

Minutes of the Regular Meeting of Township Council held on April 24, 2023, at 7:00 p.m. in the Township Building located at 27 N. Pennell Road.

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Present: David Bialek, PharmD, R.Ph, Jackie Donnelly, Bibianna Dussling, Mark Kirchgasser, Walter "Bok" Read, Mark Damico, Esq., Eric Janetka, Vince Visoskas  
Excused: Kathleen O'Connell-Bell, Susan Powell.

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1. OPENING: PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Kirchgasser called the meeting to order and led in the recitation of the Pledge of Allegiance to the Flag.

2. APPROVAL OF MINUTES - NONE

3. PUBLIC COMMENTS

Mr. Keye Faddis, 445 S. New Middletown Road, stated he submitted comments to PennDOT about a year ago regarding the road improvement plans. He has not heard back from PennDOT on his comments. He stated this is a great opportunity for the Township to review the plans. He stated there are several different areas that could be improved upon. The Township is bisected by Rt. 352 and Rt. 1 in four quadrants. If PennDOT were to plan a more complete street with protected bike lanes, etc., there might be a great opportunity to connect the parks in the Township in addition to addressing turning lanes and businesses that are affected by the widening of the road.

Mr. Kirchgasser reported the Township had a meeting with PennDOT about a month ago and they discussed their thoughts on their accepted plan. He stated PennDOT sounded rigid with their accepted plan. He stated the input from the Township has been limited because PennDOT has not asked for input. He stated the Township provided their thoughts on items they believed very important including pedestrian crossings on Rt. 352 across Rt. 1 and a signal at Van Leer Avenue. Mr. Kirchgasser stated Council is very much behind the bike lanes and linking the parks. They initiated a program called "Link Middletown" which is trying to get from one side of the Township to Ridley Creek State Park. He stated the Township is very interested in creating more passive transportation linking between key Township points throughout the municipality. Mr. Faddis asked if he could leave his e-mail for Township updates.

Mr. Dan Castellano, 20 Cabot Court, stated he has contacted Mr. McMullan several times regarding scheduling a meeting with the Roads, Highways, and Public Safety Committee. Mr. Kirchgasser stated, having participated in all the meetings, the committee is waiting for a consensus from the HOA whether or not to put no parking along Bonsall Drive. He stated he recalls a majority of people at a meeting that did not want a no parking sign on Bonsall Drive. This told the Township there wasn't a consensus in the community. He stated it is not the Township's job to decide for a homeowner's association. It is the homeowner's association's decision and to then bring the decision to the Township and there has not been a rescheduled meeting because they are waiting for this consensus. Mr. Castellano stated he has a letter from Bruce Clark dated 2013, and Mr. Kirchgasser stated this was 10 years ago and the opinions about public parking in the community have changed dramatically since then. Mr.

Castellano stated the road is unsafe, especially during the daytime when cars are parked on Bonsall Drive. He stated he understood this is a Township road that is plowed, paved, and patched for safety but they turn a blind eye to the no parking issue. He stated there are plenty of parking spaces and Middletown Township had an opportunity to fix the problem but refused to do it. He stated the idea that the Township will allow homeowners to dictate to the Township how to handle this problem. He stated if someone gets hurt and Mr. Clark's letter is "out there" what will the Township tell the injured person. He stated Mr. Bruce Clark, Mr. Mike Majeski, and Mr. Art Rothe stated the road was not safe and Mr. Clark put letters on windshields for people parking on Bonsall Drive. He stated if someone is hurt, an attorney will have a field day with this. He stated if he gets an attorney, the Township will lose in court because it is the Township's responsibility to maintain a safe road.

Mr. Kirchgasser stated Mr. McMullan is not in attendance tonight and he does not have the information on Mr. McMullan's discussions with Mr. Castellano. Mr. Kirchgasser stated the Township's position has been consistent that the community decides they want to make the change for parking, the Township will happily enforce the decision. It is not the Township's job but the HOA's to decide.

Ms. Jeanne Fusco, 32 Cabot Ct., asked what is being done with the campsite. Mr. Kirchgasser stated the property has been sold, but the Township is not aware of anything in terms of application being submitted to the Township. Ms. Fusco stated when they were cleaning up the site, they started at 5am making noise. Mr. Kirchgasser stated work should not begin in the Township until 7am and apologized for this happening. Ms. Fusco stated she attended the meeting for the no parking signs and the president of the association stated she was going to send out forms requesting a decision on parking. She stated she never received any forms.

Ms. Donnelly stated it looks like there is a traffic study being done and asked what is being done. Mr. Kirchgasser stated this is a traffic study for Rt. 352 and Rt. 452 and Rt. 1 for improvements by PennDOT. Ms. Dussling asked Ms. Fusco if work is still being done at the site, and Ms. Fusco stated it is finished but she is worried about what will be there in the future. Ms. Dussling stated if any work is being done between 9pm and 7am to call the Township to report it. Mr. Kirchgasser stated there has not been any type of application for a use on the property. He stated there were several inquiries regarding changing the zoning for higher density projects, but the Township is not interested.

#### 4. REPORTS

##### A. CHAIRMAN

Mr. Kirchgasser reported at the last meeting Township Counsel gave an update and summary of a claim made by the owner/developer of land at Sleighton School that they have a "deemed approval" of a matter. He reported they made the claim against Middletown Township as well as Edgmont Township. He stated several residents in Middletown filed a lawsuit opposed to the claim and as a result of this the Township has entered as an intervenor in the lawsuit. Mr. Damico stated Middletown Township and Edgmont Township were named as parties in the suit and do not need to intervene but need to answer as part of the lawsuit. Mr. Damico stated the Township filed suit with the Court of Common Pleas to have the "deemed approval" overturned. Mr. Kirchgasser stated the Township is opposed to the claim made by the developer and Elwyn as the

owner and will continue to provide updates on the Township website.

B. COMMITTEE - NONE

C. MANAGER

Mr. Visoskas announced there will be a recycling event on April 29, 2023, from 9am to 12pm at the Township Building.

- 1) SEPTA/Middletown Township, Aston Township, and Chester Heights Borough update meeting Tuesday, April 25, 2023, at 6:30pm at the Roosevelt Community Center.

Mr. Visoskas reported there will be a meeting tomorrow, Tuesday, April 25, 2023, at the Roosevelt Community Center at 6:30pm regarding some of the noise complaints from the new Lenni trail yard.

- 2) PA State Trooper - Trooper Michele Naab.

Trooper Naab reported crashes are up in March from last year and thefts and fraudulent thefts are down from last year. She stated the PA State Police solved the vehicle break-ins that she had reported in the past. She stated they solved nine cases and made an arrest. Mr. Kirchgasser asked if it was one person, and Trooper Naab replied it was a couple of people. Mr. Kirchgasser reported there was a fund raiser for scholarships at Penncrest High School and troopers were there for community support.

Trooper Naab stated they are doing a service for prom season regarding DUI crashes. Ms. Donnelly reported she has called the State Police about an incident on Old Forge Road and stated the Troopers were wonderful in their response. She stated she just recently had a box stolen out of her mailbox and asked if she should report this to the State Police, and Trooper Naab stated she could put this on record but should contact the agency that delivered the package. She stated Ms. Donnelly should e-mail her with the information and she will generate a report.

- 3) Jennifer Maull, Director of Parks, and Recreation: Walking Trail Glass Orb Project.

Jennifer Maull, Director of Parks, and Recreation, presented the Walking Trail Glass Orb Project. She stated she and Mr. Visoskas visited East Falls Glass Company and ordered 100 orbs that are stamped on the bottom with Middletown Township circa 1686. They will be hidden along the trails throughout the year and if one is found they can be registered with the Township. She stated all the information will be on the website, in the lobby, and at the community center. She stated there is a code that can be scanned to register the orb. She stated this is to get people out to visit the trails. She stated the orbs will be distributed on all nine trails. Ms. Dussling asked when the project will start, and Ms. Maull stated May 1, 2023. Mr. Kirchgasser asked if this would be advertised on the website and Ms. Maull stated it will be on the Township website as well as the Parks and Recreation website. Mr. Visoskas stated they hope to fund this for future years by selling glass Christmas ornaments

D. ENGINEER - NO REPORT

5. PUBLIC HEARING: - N/A

6. OLD BUSINESS: - N/A

7. NEW BUSINESS

A. Consideration to Adopt: Ordinance 852, authorization to acquire by purchase or condemnation +/- 1.165 Acres of Land at 457 Lenni Road, Folio Number 27-00-01179-00.

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Mr. Visoskas stated this ordinance was advertised previously. He stated the Township is prepared to go to the courts for condemnation of this property. Mr. Kirchgasser stated this is an attempt for the Township to make an extension between the current trailhead of the Chester Creek Trail at Lenni Road to extend across the road. He stated they require a crossing of Lenni Road to obtain proper site distance to meet PennDOT requirements and then link up to existing easements the Township already has to make a connection to the culvert that goes under the SEPTA rail line and onto Township connections that would take the trail to the new Wawa train station and then onto the property behind the PA State Police Barracks.

Mr. Bialek asked what is on the property in question, and Mr. Kirchgasser stated it is currently an auto repair/multipurpose business. This business continues to operate despite many zoning violations. The Township has made many offers to the owners in order to gain an easement and it is still the Township's best outcome if they can negotiate a favorable settlement. Mr. Read asked if there is an issue regarding moving power lines, and Mr. Kirchgasser stated this issue has been resolved. Mr. Faddis asked if there is a Phase 1 on this project, and Mr. Janetka stated there is not. Mr. Kirchgasser stated the Township has limited access to the property at this point.

Mr. Bialek made a motion to approve Ordinance 852. Ms. Donnelly seconded the motion. The motion carried with a vote of 5-0.

B. Consideration to Adopt: Ordinance 843, authorization to acquire by purchase or condemnation +/- .633 Acres of Land at 447 Lenni Road, Folio Number 27-00-01231-00.

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Mr. Visoskas stated there is still the possibility of negotiating a settlement on this property. Mr. Bialek asked if Council should wait on the negotiations to take their course or is this the appropriate time to act. Mr. Kirchgasser stated this is the appropriate time to act because this gives the Township the approval to condemn the property if needed. Ms. Dussling stated this ordinance includes the right to purchase as well as condemn. Mr. Bialek asked for the next steps in the process if negotiations fail. Mr. Kirchgasser stated Council will be authorized to act if needed. Mr. Damico stated this ordinance authorizes both the settlement or the condemnation. It would not be efficient not to explore a negotiation.

Ms. Donnelly made a motion to approve Ordinance 843. Ms. Dussling seconded the motion. The motion carried with a vote of 5-0.

C. Motion to Appoint: Comprehensive Planning Administrator, Jamie Jilozian, as Zoning Officer for Middletown Township, expiring January 2, 2024.

Mr. Visokas stated the Township is reappointing Ms. Jilozian to her previous role. She left for a year and was recently rehired two months ago.

Mr. Bialek made a motion to approve. Ms. Dussling seconded the motion. The motion carried with a vote of 5-0.

D. Approval of April 24, 2023 Bill List.

Mr. Kirchgasser read the Bill List aloud.

<b>GENERAL FUND</b>		
Aqua Pennsylvania, Inc.	March Hydrant Bills	\$ 9,510.71
Barbacane Thornton & Co.	Audit 2022	\$ 14,958.00
	Public Safety Auditing	\$ 760.00
		\$ 15,718.00
A. J. Blosenski, Inc.	March Recycling & Yard Waste	\$ 56,274.10
Go2 Tech	Telephone Exp./Entire Office	\$ 223.49
	Contracted Services	\$ 5,739.99
		\$ 5,963.48
Charles A. Higgins & Sons, Inc.	Various Invoices	\$ 7,358.22
Kelly Engineers & Surveyors	MS4/Stormwater Improvements	\$ 479.50
	Plan/Eng. Professional. Services	\$ 43,662.13
		\$ 44,141.63
Keystone Municipal Services	Bldg. Inspections 3/6/23 - 3/30/23	\$ 12,412.40
Middletown Free Library	Q1 2023 - Library Distribution	\$ 62,500/00
Petrikin Wellman Damico	Twp. Solicitor/M. Damico	\$ 9,122.00
Brown and Petrosa	Retainer April 2023	\$ 1,000.00

		\$ 10,122.00
PA Municipal Health Ins. Cooperative	May Health Insurance	\$ 39,476.11
	General Fund Total	<u>\$ 263,476.75</u>

**CAPITAL RESERVE**

Middletown Sewer Authority	17 Penn Charter & War Admiral Ln.	<u>\$ 6,036.68</u>
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**2020 GO ISSUE NON-ELECTORAL**

Kelly Engineers & Surveyors	Smedley Park Dev.	\$ 6,136.00
	Roosevelt Site Improvements	\$ 24,657.51
		<u>\$ 30,793.51</u>

**2019 G.O. BOND - TRID**

Kelly Engineers & Surveyors	Lenni & Mint Trail	<u>\$ 85,070.10</u>
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**CAPITAL RESERVE HIGHWAY IMPROVEMENT**

General Highway Products, Inc.	Inv.#2470 School Zone Assembly	\$ 7,200.00
Charles A. Higgins & Sons, Inc.	Inv.#58360 Glenwood School	\$ 6,094.00
	Capital Reserve Hwy Imp. Total	<u>\$ 13,294.00</u>

Mr. Read made a motion to approve the bill list. Mr. Bialek seconded the motion. The motion carried with a vote of 5-0.

Mr. Kirchgasser adjourned the meeting at 7:40 pm.

Respectfully Submitted,



Sharon Browne