

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
MAY 8, 2023

Minutes of the Regular Meeting of Township Council held on May 8, 2023, at 7:00 p.m. in the Township Building located at 27 N. Pennell Road.

Present: Jackie Donnelly, Bibianna Dussling, Mark Kirchgasser, Kathleen O'Connell-Bell, Susan Powell, Walter "Bok" Read, Mark Damico, Esq., Eric Janetka, John McMullan, Meredith Merino, Vince Visoskas

Excused: David Bialek, PharmD, R.Ph.

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.

Mr. McMullan presented a news report video for Council. Mr. Kirchgasser explained the arrest of the suspect occurred on Preston Road by three Brookhaven Borough Police Officers. Council thought it very important to recognize the bravery and uncommon valor in taking down the suspect. As we all know, crime is on the upswing in Middletown Township, and it is very difficult these days to commit to being a police officer. He stated Middletown Township will always support law enforcement. Mr. Kirchgasser invited Chief Michael Vice to the front and explained that Ms. Powell represents the 1st District which is where Preston Road is located.

Mr. Kirchgasser introduced Sgt. Tim Habich, Officer Jonathan Zabley and Officer Orabi Youssef. Mr. Kirchgasser stated today an arrest was made in Middletown Township by Officer Youssef. Chief Vice explained the incident involved a stolen vehicle which crashed near Williamson College of the Trades. Mr. Kirchgasser introduced Mr. Tyler Morrell. Mr. Kirchgasser expressed his thanks on behalf of the residents of Middletown Township, Council, and Ms. Powell. Ms. Powell handed out certificates of appreciation.

2. APPROVAL OF MINUTES - NONE

3. PUBLIC COMMENTS – NONE

4. REPORTS

A. CHAIRMAN

Mr. Kirchgasser reported Rocky Run Fire Company lost a ladder truck(tower) to a vehicle fire three weeks ago. The truck had to be towed to a repair facility and is in the process of being assessed. The question came up about insurance ratings. ISO is the insurance standard for which insurance ratings occur. ISO requires a 75-foot ladder truck to be within 2 1/2 miles of a subject property. With mutual assists and Middletown Fire Company's 78-foot ladder the Township is covered for the time being but, it does not change the sense of urgency the Township has for getting the vehicle replaced if it is totaled or repaired quickly with a substitute vehicle to be used. He stated as of today no determination has been made by the insurance adjustor. Mr. Visoskas has a meeting on Wednesday in Exton with the Township's insurance broker and based on the outcome of the meeting, Council is hoping to get an answer to be able to decide on the next steps.

Having a bridge vehicle in the station is important. He stated the replacement value on the vehicle is \$1.1 million and they do not know the repair value as of yet.

Ms. O'Connell-Bell asked if the insurance adjustor is obligated to decide in a certain period of time, and Mr. Visoskas stated he is not sure. Mr. Kirchgasser stated it took 40 hours of labor just to get it apart to make an assessment. Ms. Dussling asked if there is an appeal process to the insurance determination, and Mr. Visoskas stated he will ask this question at the meeting on Wednesday. Mr. Kirchgasser stated these vehicles are being replaced at a value of \$1.8 to \$2.1 million. Ms. O'Connell-Bell asked for the vehicle year, and Mr. Kirchgasser stated 2001. Ms. O'Connell-Bell asked how long the vehicles last, and Mr. Kirchgasser stated engines and rescues are typically 20 years, ladders typically 30 years. He stated different departments and municipalities do different things as far as replacement schedules. The latest push from municipalities is exploring leasing apparatus so that before the vehicle depreciates you lease a new vehicle. President Miller, Rocky Run Fire Company, stated NFPA 1911 states the useful life of a fire truck ladder or engine is 20 years.

Chief Cairns stated the standard for an engine is 20 years or 80,000 miles. Ms. O'Connell-Bell asked if this is years or miles and Chief Cairns explained when the engine is put into pump gear, the speedometer continues to run. He explained a trucks useful life is 20 years frontline and at 25 years the vehicle must be replaced. President Miller stated the insurance company covers a rental, but at what point do they exercise this option. Mr. Kirchgasser stated they will have more information by the end of the week and will sit down and figure this out.

B. COMMITTEE - NONE

C. MANAGER

Mr. McMullan announced kudos to the Parks and Recreation Department and Committee for a very successful Community Day this past Saturday. He stated the weather finally cooperated with a great turnout and great support from Council. He stated it was a great day with good food and plenty of activities for children.

- 1) Update: SEPTA - Middletown Township, Aston Township, and Chester Heights Borough. Mr. McMullan stated there was a meeting tentatively scheduled for last Thursday, however, Chester Heights had to reschedule due to a conflict. The meeting is tentatively scheduled for this Thursday at 2 p.m.
- 2) Middletown Free Library: Derek Lloyd, Director.
Mr. Derek Lloyd announced today is his one-year anniversary with the Library. He thanked Council for their support. In the year he has been Director, they have not lost any staff. He stated this is a testament to the dedication of the staff and how well the library operates. He said you will not find this at other libraries in the County. Looking back at the first quarter of this year, one of the ways to gauge how libraries are doing is to count the number of visits. He stated there is a 15% increase with people taking out books, attending programs, renting rooms, and using computers. Mr. Lloyd stated

last week was busy due to Community Day and two days before was their tea party fundraising event which was sold out even with expanding the capacity. There were 110 people attending this year, and next year they expect to have to expand due to the number of people on the wait list. He stated it was a great event held at St. John's church in Concord Township. Looking forward to summer, Williamson College of the Trades will complete the audio/visual room on the second floor. He stated there is a tutor room and conference room on the first floor which are rented out every day. He added it will be helpful to have two more rooms on the second floor available for the community to reserve and use.

Next week is butterfly day. Bear Mountain Butterfly Reserve will put on a butterfly presentation and hand out butterfly kits. This looks to be the most attended event in a while. He credits the Assistant Children's Coordinator, Libby, who won two awards in the state last year for this program, which is scheduled for Monday, May 15, 2023. Today there were six activities scheduled from Daisy Scouts to an adult self-help program. Finally, the library is building connections with different entities in the community; they have fund raisers with Just Homemade Ice cream in Aston and Iron Hill Brewery. Mr. Jason does story time at Wolff's Apple House, Lima Dental Associates, and Lima Christian Academy. The Media Arts Council is going to display artwork at the library. The library coordinates with Devereaux with their adult programs as well.

Mr. Kirchgasser asked when the grant money will "kick in". Mr. McMullan stated there is a grant meeting this week with the RACP team to review the business and administration agreement. He stated the Township Engineer is 90% complete with design. If the Township gets the green light from the RACP group, it could go out to bid by the end of June with a start date in the fall. Mr. Janetka stated he is working diligently to obtain the necessary permits. Mr. Kirchgasser stated this plan is to improve and expand the parking in the rear of the community center. With the addition of the new playground "Mark's Place", this will round out the facility and all with grant money. He stated they need to work on parking alternatives for when construction occurs. Mr. Lloyd concluded that everyone is excited by what is happening at the center.

D. ENGINEER - SEE ATTACHED ENGINEER'S REPORT - April 2023.

Mr. Kirchgasser asked when the Sunnybrea Basin work will be finalized, and Mr. Janetka answered 2-3 weeks of effort to be completed before Memorial Day.

5. PUBLIC HEARING: - N/A

6. OLD BUSINESS: - N/A

7. NEW BUSINESS

A. Consideration to Approve: Resolution 2023-11, an amended Final Land Development Plan (6th Amendment) for a Popeyes Chicken Restaurant located at the Promenade at

GraniteRun.

Mr. McMullan stated for Councils approval is Resolution 2023-11 which is an amended Final Land Development Plan for Popeyes Chicken Restaurant located at the Promenade at Granite Run and in attendance is the applicant's team to present an overview of the plan. Mr. Ryan Furlong, Esq., representing the applicant, stated they are proposing a one-story Popeyes restaurant for pad site G at the Promenade at Granite Run. When the promenade was originally developed, pad site G was originally approved for a restaurant that would be approximately 6,000 square feet. He stated he is proposing a 2500 square foot Popeyes with a drive-thru. They appeared before the Planning Commission in February and April 2023 and received approval at the April meeting. They have had the project reviewed by the Township's consultants and engineer and will comply with all of the review letters. He stated they are seeking a resolution of approval for Preliminary/Final with one waiver. Mr. Kirchgasser asked if Mr. Furlong is representing BET and Mr. Furlong stated he represents Granite Run Chicken which is the franchisee.

Ms. Katherine Weiss, Dynamic Engineering, stated the project is located at 1099 W. Baltimore Pike which is part of the Promenade at Granite Run. The project consists of the redevelopment of pad site G. Ms. Weiss located Granite Run Road, an internal road on the plans. She stated the site was previously built out so the parking lot and pad were built to accommodate the 6,000 square foot sit-down restaurant. This project proposes improvements within the footprint of the previously approved site. Ms. Weiss showed a plan with the prior approvals along with the proposed improvements. She stated access is through the internal road and not any external roads. For an overall perspective, the Promenade is 75 acres, and this development is .7 acres. The plan shows a 2,537 square foot restaurant with a dual drive-thru and a bypass lane. The prior approval was for a 6,560 square foot sit-down restaurant. Restaurants/fast food with or without a drive-thru are permitted by right. Part of the improvements include a reduction in impervious surface with more green space incorporated. There are proposed landscaping and lighting improvements. The proposed parking for this use has exceeded what is required. All of the previously approved dimensional requirements are proposed no change and in the case of the impervious surface it is now decreased. The maximum building coverage has also decreased. She stated there are no variances as part of this application; however, the applicant anticipates coming back to seek a variance for signage. They are proposing three signs that are below the maximum square footage permitted but on three faces of the building. She stated Township professionals have provided review comments and they have provided responses. Ms. Weiss stated there is a request to provide continuation of the sidewalks to access the building and the applicant is committed to this. She stated the request for menu and preview boards are not part of this application. There is lighting for safety and security and will minimize off-site glare. She stated lighting has been coordinated with the lighting at the Promenade. There are 282 total plantings based on reviews, and they intend to preserve much of the existing landscaping.

All utility services have been extended to the pad site. She stated they have made application to the Middletown Township Sewer Authority. Mr. Kirchgasser stated based on feedback he received from the Planning Commission, there were concerns regarding the architecture. Ms. Powell asked if they have received the potential plans from PADOT

that may move the traffic signal which may potentially change the configuration of the parking lot which may affect this plan. Ms. Weiss stated she has not seen the proposed PADOT plans. Mr. Kirchgasser stated potentially the plan allows for an egress/ingress that ties to Rose Tree Road. Mr. Read asked if customers will be walking around the parking lot at any given time. Ms. Weiss responded that the idea is to channel the pedestrians to the sidewalk. Ms. Weiss showed on the plans where the crosswalks were located as well as the addition of sidewalks.

Ms. O'Connell-Bell stated the original plan was approved for a sit-down restaurant with no drive-thru. She stated adjacent to the plan is the PADOT Driver's Test facility as well as the Acme Market with a lot of pedestrian traffic to and from the building. She stated this is not typical traffic in this area. Ms. Weiss showed on the plan the pad site is totally contained within a certain area. Mr. Read stated he would like more clarity as to the pedestrian traffic flow. He stated people will be walking in between cars and Ms. Weiss explained there are dedicated sidewalks. Ms. Weiss stated the sidewalks are not shown on the plan, but they are committed to having them as part of the engineer's comments. Mr. Furlong stated he would agree to conditional final approval given they will comply with all comments from the engineer. Mr. Kirchgasser stated he understands but feels people are struggling to see what this will ultimately look like. Ms. Weiss stated there is a significant amount of traffic stacking and the pedestrian walkways are outside of the stacking.

Mr. Janetka stated he has concerns with people from the DMV cutting across the road to get to the restaurant on foot. He understands that providing a handicap accessible sidewalk from the Acme to the site would allow handicap access to the restaurant. He does not know if this necessarily will stop someone from trying to walk across the main loop road to the Promenade to go up the embankment and to cross the queued traffic to enter the restaurant. Ms. Dussling asked if the landscaping would block pedestrian traffic. Ms. Weiss stated it has not been fully done but they will come back and add additional landscaping in this area. Ms. O'Connell-Bell stated her concern is this kind of restaurant will encourage this type of pedestrian traffic.

Ms. Weiss stated during the Planning Commission process they received review from the Design Review Committee which has been addressed. Mr. Kirchgasser asked if the applicant intends to pursue a signage variance and a preview board variance. Ms. Weiss answered in the affirmative. Mr. Jeremy Danley, Albert Taus and Associates, Architect, presented a colorized version of the plan coordinated with the Design Review Committee. Originally, they took the Promenade's guidelines for commercial buildings, but they wanted to integrate these elements with a plan that works with all overall design at the Promenade. He presented the newest Popeyes building footprint, integrating them with the Promenade guidelines. One of the elements is having the entry doors very prominent with the orange doors on the front elevation and on the parking lot side. The building will be mostly brick with the rear drive-up side being IFIS material. He stated they wanted to make sure the rooftop equipment was not visible from the ground.

Mr. Danley presented plans showing the visual architect plan. He presented visuals for

the signage. He stated the trash enclosure will be painted to match the building. He stated they revised the plans to meet the recommendations from the Design Review Committee's reviews. Ms. Dussling wanted clarification that the franchisee is not the same as the applicant who wanted the sit-down restaurant. Mr. Furlong responded that this is correct. Mr. Kirchgasser asked if they knew if there were any other types of restaurants of this nature the applicant owns or operates. Mr. Furlong is not sure, but this is not the first Popeyes restaurant they own. Ms. O'Connell-Bell thanked the representatives for providing a good deal of information; however, there is a lot to go through and a lot of unsettled issues. She stated she would like to go over the information and not vote at this meeting. Mr. Furlong asked if the concern is people jaywalking, and Mr. Read stated he is very much concerned. Mr. Kirchgasser stated the purpose of the promenade was to promote walking; however, there are flaws. Some of the flaws are because Council rushed into certain things that have come into the facility. It is responsible to understand everything pertaining to this application. He stated they should come back and talk about this at a later date. Mr. Kirchgasser stated they will enumerate the issues.

Ms. Donnelly is concerned about the brand-new drivers from the DMV and the pedestrians. Mr. Patrick Janey, Traffic Engineer, stated the site is laid out very well to limit the pedestrian traffic within the site. He stated at high volume times there are approximately nine vehicles stacked. He stated they have agreed to connect the sidewalk system and provide ADA access to the building. He stated he does not like crosswalks going around curves around a building. Mr. Janetka suggested trying to find a physical means to restrict pedestrian traffic such as a fence. Ms. Weiss stated they are happy to incorporate a fence. She stated back in February 2023 one of the requests was to provide a guide rail along some of these sections along with evergreen types of shrubs that make it uncomfortable to walk between or around. She stated they could also look at something more robust such as fencing. Mr. Janetka stated the concern is sight distance and if you crowd that corner with a lot of vegetation to physically block people then you are potentially reducing sight distance. He stated he would prefer an aluminum powder coated fence that is open enough to see through and will be unclimbable. Ms. Powell asked if a crosswalk at the bottom right of the plan would be too close. Mr. Janetka stated this was originally suggested in his review letter and they arrived at the issue of a mid-block crossing where there is a curve and not being able to see well coming around the curve. He stated this is a traffic engineering issue and he does not recall the result but assumes they agreed that a crossing too close to the curve would not be a good idea because of the sight distance. Is it possible to move the crosswalk further south on the plan and still have proper sight distance so the crosswalks will actually be used by pedestrians.

Ms. Powell stated that might help with people coming from the Acme and the apartments, but it does not address the issues from the DMV parking lot. Mr. Janetka stated if he had to walk 20 or 30 feet to get to the restaurant he would, if he had to walk 350 feet to get in, he would probably cut through at some point. He stated the traffic engineer could speak to whether another crosswalk would be beneficial. Mr. Janey stated he feels the suggestion to put more of a physical deterrent is something they could work

with the Township for a design solution. Mr. Kirchgasser stated there are pad restaurants on the Baltimore Pike side and have made a deliberate effort to keep most of the commercial activity along Baltimore Pike with the exception of the mall which has encroached Rt. 352 for 50 years. He stated an orange restaurant on the residential side of the property, knowing the recommendations from the Planning Commission is to mute this color. He stated knowing the architectural options from corporate organizations to franchises, he asked if they have subdued the orange on this building as much as possible. Mr. Danley pointed to the renderings and stated portions will be more tan with the exception of the doors and around the drive-thru. He stated the teal color represented used to project from the building, but they pushed it back to make it more of an accent piece. He stated they put the canopy over the entry doors to give them the prominence the Promenade wants them to have.

Ms. Weiss showed an image of what was originally presented to the Planning Commission. Mr. Kirchgasser asked if the architect is affiliated with the franchisee and if there is a building like this nearby. Mr. Danley stated there is not. He stated they are treating this building differently than any other franchise to accommodate the recommendations given. Mr. Read asked if there are existing Popeyes that have the flow of traffic going completely around the building. He stated the plan shows cars going completely around the building so there is no way pedestrians can cross to get into the building without crossing traffic. Mr. Danley stated this is fairly common for the fast-food industry but compared to most sites there will be less crossing simply because the cars waiting in the queue are not going to reach this crosswalk location which serves the south parking area. The pedestrian crossings will not conflict with cars waiting in the queue. He stated the plan shows the maximum number of cars that could be stacked, which is 15 but based on other Popeyes it is usually about 9 cars stacked. He stated cars will cross this location, but they will not be sitting blocking the crosswalk.

Mr. Read stated he taught for 40 years and kids can act really stupid. Mr. Kirchgasser stated Ms. O'Connell-Bell has asked this be continued at the next meeting. Ms. Dussling asked about voting for preliminary approval and Mr. Damico stated this would be overly complicated as they could get into a situation where the applicant could be asked to submit a whole new application and that will be much less efficient than asking for their indulgence by asking for a short extension of the MPC time clock to allow Council and the Engineer to go over the plans. Mr. Kirchgasser stated the issues needed to be clarified are: 1. pedestrian control from the DMV; 2. a facilitating sidewalk being able to control the crossing of pedestrians into the traffic flow through the drive-thru and; 3. visibility fencing proposed by the Township Engineer that would direct pedestrians to the front entrance. Mr. Damico stated Council needs to act on or before May 15, 2023, and the applicant needs to grant an extension to the May 22, 2023, meeting. The applicant agreed to the extension.

Ms. Powell made a motion to continue the Final Land Development Plan to the May 22, 2023, Council meeting. Ms. O'Connell-Bell seconded the motion. The motion carried with a vote of 6-0.

B. Consideration to Approve: Resolution 2023-12, acceptance of Certificate of Total Completion, Beth Yeshua, 29 South New Middletown Road.

Mr. McMullan stated for Council's consideration to approve is Resolution 2023-12 accepting a Certificate of Total Completion for Beth Yeshua, 28 S. New Middletown Road, for the Land Development project which is complete. The Township Engineer has reviewed this and agreed the project is complete by approving the Certificate of Completion. This will allow the Township to release any improvement securities that were required for the Land Development project.

Ms. Donnelly made a motion to approve Resolution 2023-12. Mr. Read seconded the motion. The motion carried with a vote of 6-0.

C. Consideration to Authorize: 2023 Road Paving Program to A. F. Damon in the amount of \$487,914.10.

Mr. McMullan stated for Council's consideration for approval is the 2023 Road Paving Program awarded to A. F. Damon. The road program was properly advertised. The Township received three bids which were carefully reviewed by the Township Engineer as well as the Township staff. He recommends awarding the bid to A. F. Damon. He stated the project will be broken down into two pieces. Approximately \$270,914 is from the Township funds ; \$217,000 is a contribution from Sunoco as part of the restoration to finish out the construction of the pipeline. Mr. McMullan stated he is asking for approval contingent upon the special solicitor who is in conversation with Sunoco's attorneys about increasing the bond amount which is currently \$90,000 to cover maintenance of the roads that are being paved by Sunoco by \$217,000. He stated he along with the Township Engineer and the Special Solicitor met with the solicitor for Sunoco on Friday and the special solicitor is negotiating the increase with Sunoco to reflect the \$217,000 contribution from Sunoco. Mr. Janetka added that Energy Transfer is paying for all of the engineering time to put together the specs and the measurements of the roads to come up with a scope of work along with the construction inspections that will take place for their portion of the project.

Mr. Kirchgasser stated what is left to remediate is being paid by Sunoco. Ms. Dussling stated this includes Valley and Forge Roads, Lenni Road, War Trophy and Martin's Lane. Mr. Janetka stated this will also include the access driveway to Glenwood School as well as replacing the speed hump, signage, and striping. He stated the only piece left is Valley Road to New Darlington Road to W. Forge Road because a PennDOT highway occupancy permit is required, and he is trying to get this permit on behalf of Energy Transfer. When this permit is obtained, this will be under a separate bid process and will be paid for by Energy Transfer. He stated this should be done by the fall. Ms. Dussling asked about the timeframe on the extension of the bond increase and Mr. McMullan stated it should be by this week.

Ms. Donnelly made a motion to authorize the 2023 Road Paving Program awarded to A. F. Damon. Ms. O'Connell-Bell seconded the motion. The motion carried with a vote of 6-0.

D. Approval for Appointment, Citizen Board Appointment:

- 1) Uniform Construction Code Board of Appeals - Term: Present to 1/2/2024
Dave Redash, Ray Titter, Sandra Baggot, Lorraine Bradshaw, and Matthew Perna

Mr. McMullan stated for Council’s consideration is the appointments of the Uniform Construction Code Board of Appeals which is an existing board that was not filled at the Re-organization Meeting in January. The owner of the MacIntosh Inn has requested, as Council is aware, the Township Building Code Inspector has deemed the Inn uninhabitable and daily fines are being issued. As such the owner and solicitor of the MacIntosh Inn have requested a meeting to appeal the process with the Uniform Construction Code Board of Appeals. Therefore, he is requesting to enact the Board and appoint the following to a term from present until 1/2/2024; Mr. Dave Redash, Mr. Ray Titter, Ms. Sandra Baggot, Ms. Lorraine Bradshaw and Mr. Mathew Perna with a meeting date of June 6, 2023.

Ms. Dussling asked if the purpose of the Board is exactly as it sounds, and Mr. McMullan stated the board will have to work within the parameters of the Uniform Consecution Code and the responsibility will be hearing the appeal from the MacIntosh Inn and rendering a decision. They will also review other issues of building applications that may request an appeal. Mr. Kirchgasser stated the appeal to this board would be on construction standards so an appeal would have to argue this Township has incorrect construction standards. Mr. McMullan stated this is the first step in the appeal process.

Ms. Powell made a motion to approve the appointments to the Uniform Construction Code Board of Appeals. Ms. Dussling seconded the motion. The motion carried with a vote of 6-0.

E. Approval for Appointment of Uniform Construction Code Board of Appeals: Special Solicitor, Michael J. Mattson, Esq.

Mr. McMullan stated before Council for their approval is the appointment of the Special Solicitor, Michael J. Mattson, Esq., to the Uniform Construction Code Board of Appeals.

Ms. Powell made a motion to approve. Ms. O’Connell-Bell seconded the motion. The motion carried with a vote of 6-0.

F. Approval of May 8, 2023 Bill List.

Mr. Kirchgasser read the Bill List aloud.

GENERAL FUND		
AJM Electric, Inc.	Roosevelt Phase II	\$ 50,887.80
Domus, Inc.	Roosevelt East Wing #4	\$ 14,633.00
Hirschberg Mechanical, LLC	Roosevelt Phase II	\$ 114,435.95

General Fund Total		<u>\$ 179,956.75</u>
CAPITAL RESERVE		
Traffic Logix Corporation	Invoice #19739	\$ 9,230.00
The Bank of New York Mellon	GOB Series 2019 Interest	\$ 58,150.00
	GOB Series 2019 Interest	<u>\$ 59,575.00</u>
		\$ 117,725.00
The Bank of New York Mellon	GOB Series 2020 Interest	<u>\$ 175,475.00</u>
	Capital Reserve Total	<u><u>\$ 302,430.00</u></u>

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

Mr. Kirchgasser adjourned the meeting at 8:36 pm.

Respectfully Submitted,

Sharon Browne



Middletown Township Engineer's Report

May 8, 2023
Council Meeting

MARINER 2 PIPELINE

MT100-Ea

- Sleighton Park Restoration – Final restoration at Sleighton Park, which includes extension of the athletic field, trail restoration and restoration of pre-construction drainage features is 99% complete. A small portion of the existing pedestrian trail is to be repaved as part of Energy Transfers road restoration obligations that are to be completed spring/summer 2023. This work has been added to the Township's Road Program, and cost will be paid by ETP.
- ETP started restoring roadways in the fall of 2022. Restoration scope of work is based on extensive road inspections conducted by the Township Engineer. It had been desired that this work would begin in late June of 2022 but was delayed due to various reasons, including cold weather conditions. Work completed in 2022 included replacement of damaged curb, curb depressions, driveway aprons and sidewalk on Riddlewood Drive, War Trophy Lane, Martins Lane and E. St. Andrews Drive. Remaining restoration work will be completed as part of the Township's 2023 Road program and all costs associated with that work (coordination, specifications, field measurements, inspections, contract administration, etc.) are to be paid by ETP and guaranteed through the Road Use and Excess Maintenance Agreement between the Township and ETP. Residents should be aware that in the spring/summer 2023, there will be additional activity on the following roads to complete restoration (base paving repair, pavement overlay, line striping, milling, shoulder repairs for drainage): Valley Road, W. Forge Road, Martins Lane, St. Andrews Drive, E. St Andrews Drive, Riddlewood Drive and War Trophy Lane. There will also be a full mill and overlay of the access driveway (from Lenni Road) to Glenwood Elementary School including reinstallation of speed humps and pavement striping.
- Valley Road shoulder restoration/stabilization. ETP will be compensating the Township for all cost related to obtaining a PennDOT Highway Occupancy Permit and construction improvements to stabilize the road shoulders of Valley Road with rock lining from W. Forge Road to New Darlington Road. This work will also include milling and wearing course overlay of the entire cartway of Valley Road along the work area.

Restoration scope of work is based on extensive road inspection conducted by the Township Engineer and PennDOT. Cost of this restoration work will be paid by ETP through an amended Road Use and Excess Maintenance Agreement between the Township and ETP.

- Horizontal Direction Drill HDD #591 (Sleighton Park to 143 Valley Road) - "Monitoring Plan" - Sunoco/ETP is in the process of finalizing geologic and geophysical testing at Valley Road/W. Forge Road, pursuant to the "monitoring" plan agreed upon by the Township and Sunoco/ETP. The Township's geophysics consultant has reviewed all previous testing completed as part of the monitoring plan and will review testing reports as they are completed and submitted to the Township. It is estimated that completion of this testing and Township review of testing results may be accomplished by the early 2023.

SEPTA R3-3

MT120-Bwa

- SEPTA has nearly completed the R3-3 Land Development phase of the rail line extension including the parking deck, driveway, station building, and stormwater management facilities. SEPTA began rail service on August 21, 2022. A temporary certificate of occupancy was approved for the station building and the crew quarter as some additional minor work remains to be completed.

MINT PEDESTRIAN TRAIL

MT100-V1

- The first segment of this trail has been completed at the SEPTA Wawa Station.
- Design, permit and construction plans are in the process of being finalized and it is estimated the amended design is approximately 90% complete. The NPDES permit for the trail has been amended to incorporate several value-engineering revisions including incorporation of the portion of the trail recently constructed by SEPTA at the Wawa Station. This segment of trail was originally to be constructed by the Township as part of the NPDES permit for the Mint Trail (currently being amended) but the Township was able to coordinate this segment being completed by SEPTA. Other value engineering revisions that should result in significant reduced cost are: elimination of retaining walls, elimination of thousands of feet of edge drain, relocation of trail to avoid large rock outcroppings, elimination of numerous water quality

structures, extension of existing level spreaders to below the trail area (to eliminate chance of trail washout), revision of trail profile to reduce potential conflict with bedrock, etc.

- The NPDES permit for the trail has been submitted and is currently under review by the Delaware County Conservation District.
- Easements for the trail are presently being coordinated with SEPTA, McKee Group, Toll Brothers and MTSA.
- It is anticipated this project will be let for bid in the spring of 2023 with construction to be completed by September/October of 2023.

MT. ALVERNO ROAD BRIDGE REPLACEMENT

- As of the date of this report, the bridge structure and concrete abutments have been removed and new abutments have been installed. Concrete beams have now been set in place. The bridge is anticipated to be completed in 2023.

TOWNSHIP GUIDERAIL PROGRAM

MT124-E

- The guiderail program is for the installation and/or replacement of guiderail along the following 6 segments of Township roadway (including the segments associated with the recently completed 2019 contract): Howarth Road, E. Knowlton Road (North), E. Knowlton Road (South), Darlington Road (East), Darlington Road (West) and Valley Road.
- Preliminary design plan is complete for E. Knowlton Road (South), Darlington Road (West) and Valley Road. Bid letting for this work has not yet been scheduled and is now projected for 2021. Significant utility pole relocation and tree removal is required for these projects.
- The Township applied for an A.R.L.E. grant for the completion of guiderail projects in 2020, 2021, and 2022, but was not awarded the grant but received feedback that the application was considered worthy of award but other projects were more highly prioritized. A.R.L.E. is the Automated Red-Light Enforcement Transportation Enhancements Grant Program established in 2010 as a PennDOT-administered competitive grant program in accordance with PA Vehicle Code (75 Pa.C.S.) §3116(l)(2) and §3117(m)(2). Funding for the program is generated from the net revenue of fines collected through

Automated Red Light Enforcement Systems. Grant applications are accepted annually during the month of June.

TOWNSHIP CODE AMENDMENTS

MT110 SERIES

- The following Codes are in the process of being amended prior to the end of 2021: Chapter 186 (Soil Erosion and Sedimentation Control), Chapter 204 (Streets and Sidewalks), Chapter 210 (Subdivision and Land Development) and Township Standards (construction standards, details and specifications).
- Chapter 198 (Stormwater Management Ordinance) –Amended Ordinance was adopted by Council and went into effect starting on January 9, 2020.
- Preparation of Draft revisions to Chapter 186 (Soil Erosion and Sedimentation Control), has been completed and reviewed by the Township review committee. The document will be introduced for adoption in the near future.
- Preparation of a new Township Code, Chapter 77 (Building Permit and Occupancy Procedures) has been completed and distributed to Township review committee. The document is in the process of being reviewed by Township Staff and consultants. Chapter 77 is intended to establish requirements and procedures for obtaining building permits and requirements for approval of Certificates of Occupancy for occupiable structures. The draft ordinance has been reviewed by the Township's Land Planning Committee.
- Preparation of a new Township Code, Chapter 204 (Street, Curbs and Sidewalk) has been completed and distributed to Township review committee. The document is in the final phase of being reviewed by Township Staff and consultants. Chapter 204 is to replace the existing Chapter 204, and is intended to establish requirements and procedures for working within the right-of-way of Township streets, including street restoration standards and maintenance and protection of traffic (work zone traffic controls). It is likely this draft ordinance will be presented for review by the Council in spring 2023.
- "Township Standards and Specifications" has been reviewed by Township Staff and revisions to the document, as well as various Township application forms, is in process. This document is to formally update/upgrade and replace numerous construction details and policy documents utilized by the Township over the last many years. It is anticipated that upon review by Township staff, this document will be presented to Council for review. This document can (and should) be updated periodically to include

additional construction details, guidance documents, forms, etc. if they become necessary.

ROOSEVELT COMMUNITY CENTER AND LIBRARY MT100-O

- The Township is in the process of preparing construction and permitting plans for site improvements at Roosevelt School. Improvements will include construction of a new tot lot, level playing area (next to the tot lot), new parking, reconstruction of existing parking facility both in front of and behind the facility, grading of a small field area, stormwater management improvements and construction of courtyard improvements. It is anticipated that construction of improvements will begin in the fall of 2023, upon receipt of permits from the County and State. A color rendering of the proposed improvement should be available for review on May 5, 2023 at the Roosevelt Community Center.

SUNNY BRAE STORMWATER BASIN REVITALIZATION MT100-K

- Work is approximately 90% complete for basin revitalization project, which will significantly improve localized flooding in the vicinity (and downstream of) 34, 36 and 38 Gallant Fox Drive. Remaining work, which includes swale completion at 34/36 Gallant Fox Drive, permanent fence installation, final grading and seeding, completion of basin bottom wetland channel and installation of curb depression on Gallant Fox, will recommence around May 9, 2023 and should be complete by Memorial Day.
- The project will be submitted to PADEP as a means to reduce sediment (PRP – Pollutant Reduction Plan) in conjunction with the NPDES Permit for the Township's MS4 (permit term from 2018 to 2023). The basin revitalization work will address approximately 90% of the Township sediment reduction requirement within the Chrome Run watershed, for the term of the PRP approval ending in 2025.
- Funds acquired for the project - Mariner East 2 Pipeline Corridor Grant Funds were awarded in the amount of \$198,472.00. Also, the Township submitted a PA DCED Flood Mitigation Program Grant application for \$275,000.00 but was only awarded approximately \$20,000.00 for the project.

SMEDLEY PARK

MT100-A.2

- Contract for construction of Stage 2 and Stage 3 of the project was completed by MECO Constructors in 2021. Field areas are not open to public use at this time, to allow grass to grow properly.
- The final construction phase is anticipated for the spring of 2024 and will include the following work: conversion of sediment trap nos. 1, 2, 3, 4 and 5 to permanent stormwater basins, installation of approximately 800 feet of pedestrian trail (that was not be completed with the previous stages of construction), asphalt paving of approximately 400 feet of paved trail (that was only completed to stone subbase to permit future construction access for basin conversion), installation of softball and baseball infield areas, and removal of all erosion and sedimentation controls. The Township applied for a grant (in the amount of \$250,000.00) to partially fund completion of the project; however, only a small fraction of the requested funding was awarded to the Township. The cost estimated in 2021 to complete the final phase of work was approximately \$500,000.00; however, it is likely this cost will increase due to the current economic environment.
- The NPDES Permit for the Park has been extended to December 20, 2027 to allow the project to be completed in 2023. PennDOT Highway Occupancy Permit work is complete and permits are closed.

LENNI PARK

MT100-W

- A kickoff meeting was recently held with DCNR regarding the approved grant for redevelopment of Lenzi Park.
- It is anticipated that the park site will be surveyed later in 2023 and design of the first phase of park improvements may begin late 2023, with possible construction beginning in 2024 or 2025. First phase of improvements may include additional parking, pedestrian trail and stormwater management improvements. Additional site improvements are anticipated in later years.

MS4 NPDES PERMIT/POLLUTANT REDUCTION PLAN

MT300-18

Pollutant Reduction Plan (PRP) for the PADEP NPDES Permit term of 2018-2023 was submitted to PADEP on December 4, 2019 and final approval of the PRP was issued on February 7, 2020. Although the

NPDES permit term is 2018 to 2023, the Township has 5 years (from the date of PRP approval) to complete design, permitting, and construction of all of the proposed stormwater facilities (BMPs) described in the PRP. The PRP includes an estimation of cost to complete all stormwater facilities required by the State as part of the approved PRP, prior to the end of the PRP approval term (February 2025). The Sunny Brae Basin revitalization will be the first stormwater BMP project from the PRP, to be completed (in 2022). The Township submitted a PA DCED Watershed Restoration and Protection Program Grant application in the amount of \$296,905.00 for construction of a second stormwater BMP in Township open space north of Highpoint Drive and south of the Franklin Mint, however, only a small portion of the requested funds were awarded.

SUBDIVISIONS/LAND DEVELOPMENTS

MT305 SERIES

- Riddle Hospital Expansion (Pavilion) - Conditional final approval granted by Council. Plan has been recorded and construction has commenced on the pavilion building. Site work is approximately 95% complete.
- ARTIS Senior Living Land Development – The final plan, conditional use and zoning map/text amendments have been approved by Council. Presently, there is no anticipated date for commencement of construction. The land development plan has not yet been recorded. It should be noted the development site is listed as being for sale.
- Guss Subdivision (Howarth Road) – Conditional final approval granted by Council. Plan has been recorded. Construction of site improvements (not including the dwelling) has been approved by the Township (through issuance of a grading and excavating permit) and this construction should commence in the spring of 2023 or sooner.
- Promenade at Granite Run Land Development - Construction pursuant to the approved final plan is on-going and is approximately 85% complete. Three new amendments to the approved final plan were received in late 2022 and early 2023:
 - ✓ Reconfiguration of Building Q (including the modification of constructed parking area, perimeter driveway (loop road), underground stormwater basin and porous pavement). Building Q work is complete (the “At Home” store is now open).
 - ✓ Reconfiguration of Apartment Building 2 and surrounding improvements. This work is approximately 20% complete.

- ✓ Reconfiguration of Building G (Popeye's). Land Development for this amendment has been recommended for approval by the Planning Commission in April 2023 and is to be reviewed by Council in May 2023.

- Darlington Pointe II Subdivision - Construction is complete with all homes occupied, except for Lot 4 which has been purchased to the owner of 420 Matrissa Ridge and it is our understanding there is not intent on their part to build on the lot. Certificate of Total Completion has been filed and it is anticipated that project will be closed in 2023.

- 312 Lenni Road Subdivision - Conditional final approval granted by Council. Plan has been recorded and construction has commenced by Cornerstone Quality Builders. One home is presently under roof.

- 33 N. Middletown Road Subdivision (Convery) - Conditional final approval granted by Council. The plan has been recorded. Site work construction (excluding the houses) is largely complete. A grading and excavating permit for Lot 3 has been recommended for approval and it is anticipated that construction of that dwelling may begin in the near future.

- Penncrest High School Life Skills Center and Parking Lot Subdivision and Land Development – Conditional final approval has been granted by the Township Planning Commission and Council. The plan has been recorded and construction of the bus facility parking lot is complete. Project has not yet been closed through approval of Certificate of Total Completion.

- 345 Valley Road Subdivision – Conditional final approval has been granted by the Township Planning Commission and Council, and the plan has been recorded. Grading Permit for the new home has been approved and construction has commenced.

- Glenwood Elementary School Parking Lot – Plan has been reviewed by Township staff and was recommended for final approval by the Planning Commission on May 12, 2020 and granted conditional final approval by Township Council in June 2020. The plan has not yet been recorded. It is anticipated these improvements will begin in the summer of 2023.

- Congregation Beth Yeshua Land Development – Plan has been recorded and site work construction is largely complete. The applicant has filed the Certificate of Total Completion for this project which is under review and it is anticipated this project will be closed in early 2023.

- 416 W. Forge Road Minor Subdivision - Final plan has been reviewed by Township consultants. A revised plan has not yet been received and it is unclear if the applicant will continue to pursue this subdivision.
- Williamson College of the Trades Student Activity Center Land Development Phase 5 – Conditional final approval has been granted by the Township Planning Commission and Council. The plan has been recorded and construction is approximately 95% complete. Temporary Certificate of Occupancy of the building has been approved.
- Indian Lane Elementary School Parking Lot and Baseball Field Relocation – Conditional final approval has been granted by the Township Planning Commission and Council. The plan has been recorded and construction is complete. Project has not yet been closed through approval of Certificate of Total Completion.
- Luongo Reverse Subdivision and Land Development – Zoning Variances and Conditional Use have been approved. The applicant has submitted a land development application which has been reviewed and the Township is awaiting plan revisions prior to scheduling review of this application by the Planning Commission.
- Sleighton School Tract Subdivision (Middletown Township and Edgemont Township) – Tentative PRD Plan and related documentation has been submitted to the Township and review comments issued by Township Staff and consultants. Public hearings have been conducted on October 14 and October 28. A decision on tentative plan approval has not been made.
- A land development application from Granite Farms Estates for building additions to the nursing care facility and reconfiguration of the parking area surrounding the nursing care facility, was recommended for approval by the Planning Commission on March 8, 2022 and final approval was granted by Council in March 2022. Plan has been recorded.
- A minor subdivision application has been received for 252 W. Forge Road to create an additional residential lot. This application was reviewed by the Planning Commission in December 2021 and approved by Council in January 2022. Plan has been recorded and a grading and excavating permit has been approved for construction of the driveway entrance to the new lot.
- A minor subdivision application has been received for 51 W. Forge Road to create an additional residential lot. This application was approved by Council in January 2022. Plan has not yet been recorded.

- A minor subdivision application has been received for 552 Old Forge Road to create three residential lots. This application was recommended for approval by the Planning Commission in May 2022 and was granted conditional preliminary and final approval by Township Council.
- A minor subdivision application has been received for William N. Weirich, Jr. (Highpoint Drive) to create one interior residential building lot. This application was recommended for approval by the Planning Commission and approved by Council in August 2022. Plan has been recorded and work is approximately 30% complete.
- A land development application has been received from Sunnybrae Farm, L.P. (Wolff's Applehouse) for approval of a permanent pavilion structure (previously constructed under a waiver of land development), building expansion (for on-premises kitchen) and a separate garden center building. This application has been recommended for conditional use approval and preliminary land development approval by the Planning Commission and has received zoning variances to permit the proposed expansion. Township Council recently granted preliminary approval of this plan.
- Williamson College of the Trades 72-Bed Dormitory Land Development (Phase 6) – A land development application has been received to construct a 72-bed dormitory at the campus. This application was recommended for approval by the Planning Commission and approved by Council in August 2022. Plan has been recorded and a grading and excavating permit for the site work has been approved.
- 47 N. Middletown Road Land Development – An application for land development for construction of a meeting room building (religious use) and parking lot has been reviewed by Township Staff and Consultants and will be reviewed by the Township Planning Commission in May 2023. This site is located contiguous to Smedley Park, to the southwest.

