

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA
MAY 11, 2020

Minutes of the Meeting of Township Council held on May 11, 2020 at 7:00 P.M., online as a virtual meeting during the COVID-19 Restrictions and/or Stay-At-Home Order.

Present: Stephen Byrne, Bibianna Dussling, Mark Kirchgasser, Kathleen O'Connell-Bell, Susan Powell, Walter "Bok" Read, Norman Shropshire, Andrew Haines, Joseph A. Damico, Jr., Esq., Eric Janetka

1. OPENING/CONVENE ONLINE MEETING: Review Virtual Meeting Rules.

Chairman, Mark Kirchgasser called the meeting of the Council to order at 7:00 P.M. Mr. Kirchgasser stated Middletown Township continues to fully support and endorse all the actions requested from the State and County regarding safe spacing, social distancing and the stay at home orders to get through this crisis. Mr. Kirchgasser stated Council met in Executive Session to discuss a matter of personnel. Mr. Haines stated when the Chairman asks for Public comments, he will unmute the meeting for comments. He stated the meeting will be posted on-line after the meeting.

2. APPROVAL OF MINUTES

Mr. Shropshire made a motion to approve the minutes of April 27, 2020 and Mrs. Powell seconded the motion. The motion carried with a vote of 6-0. Mr. Kirchgasser polled each member of Council for their vote. Mr. Read was not present at this time.

3. REPORTS

CHAIRMAN

Mr. Kirchgasser noted once again the Township continues to support state and local efforts to control the pandemic and advises and encourages residents to follow the procedures until the status of the county changes. Mr. Kirchgasser announced he received a letter of resignation from Township Manager, Andrew Haines and stated Council wishes him well in his future endeavors.

COMMITTEE - NO REPORT

MANAGER

1. Notice of Land and Water Conservation Fund Grant Opportunity.

Mr. Haines stated he and staff had a conference call with staff from DCNR. He stated at the last meeting Council passed a resolution that provided for the signature page for a grant for the Sleighton parcel acquisition. He stated he was advised by DCNR the state receives funds from the Federal National Parks every year for projects. He stated DCNR staff identifies projects that have merit to be considered for Federal funding. Mr. Haines stated this is in addition to the grant applied for earlier. He stated there is no action needed by Council or staff. If the grant is successful, Council can determine acceptance. He stated because this is federal money, there will be additional administrative requirements and use of federal money will require deed restrictions on the property for recreational use.

2. May Citizen Board Meetings - Virtual via Zoom.

Mr. Haines stated Act 15 has a stay on land development and zoning applications until May 20, 2020. He stated all the citizen boards will be meeting via Zoom. He stated staff will continue to plan for distance meetings until in-person meetings are allowed.

Mr. Haines stated at the last meeting, A.F. Damon was awarded the 2020 Road Improvement Program. He stated because of the significant price reduction they will be able to finish other road work. Mr. Haines stated he contacted PennDOT and stated they are taking a very specific line on their advertising requirements and therefore the Township is limited to use Liquid Fuel funds only for what has been advertised. Mr. Haines stated there was a team conference call and agreed to utilize funds from the Local Service Tax for highway improvements currently earmarked for the loop road. He stated in the 2021 budget there will be little to no general fund contributions because there will be a higher balance for Liquid Fuels compared to 2020. He stated it is in the best interest of the Township to maximize the dollars based on the unit cost with AF Damon. Mr. Haines stated future liquid fuels dollars can be used for the loop road, if needed in the future.

Mr. Kirchgasser stated Council was struggling with cost of bids and now there is an opportunity to put the money towards the right projects. He stated he would like to see the trade-off spelled out and managed through the 2021 budget. Mr. Shropshire would like to see a list of the addendums. Mr. Haines stated he could get a list of all the roads being done. There was consensus support to complete the additional roadway paving in 2020.

Mr. Haines stated he was asked by Ms. Dussling for an update on the Recreation Summer Camp Program. He stated the hope is the summer camp will start the week of June 22, 2020. He stated if the region moves to yellow the Township is looking to have some version of the summer camp program. He stated staff is looking at the Roosevelt School for the camp and is reassessing the options required by the state. He stated if the camp is delayed, there will be refunds on a weekly basis, if needed.

ENGINEER - NO REPORT

4. NEW BUSINESS

A. Consideration for Approval: Re-Introduction of Ordinance 817: Text Amendment to Chapter 275: Zoning, for Interior and Flag Lots, with a Public Hearing of July 13, 2020.

Mr. Haines stated this Ordinance was not able to extend on the record the time for the public meeting. He stated Mr. Damico is not the attorney for this ordinance but provided public comments. He stated the ordinance was reviewed by Mr. McKenna. Mr. Kirchgasser stated the goal is to control the number of interior lots constructed. Mr. Shropshire stated in the Darlington Valley area he thought this was addressed and limited the number of lots. Mr. Haines stated this ordinance will define flag lots and will limit the

interior lots accessing a private driveway. He stated the access will provide access for public safety.

Mr. Shropshire made a motion to approve the Ordinance and Mr. Read seconded the motion. The motion carried with a vote of 7-0. Mr. Kirchgasser polled each member of Council for his/her vote.

B. Consideration to Authorize the Establishment of Univest Bank as a Township Depository for the Purpose of 2021 Tax Collection and Lock Box Account.

Mr. Haines stated Mr. Visoskas looked at this to provide a much more effective process of collecting taxes. He stated the team in finance did a webinar to review how their work would occur and how the accounting would look. He stated the reason they are asking for this now is to allow time to make sure there are no issues with next year's tax collections. Ms. Dussling asked how it was settled on Univest. Mr. Visoskas stated Univest provided the best cash management and the best price on the lock box. He stated Republic Bank will still accept payments and the finance department will still accept payments.

Mr. Shropshire made a motion to approve the recommendation and Ms. Dussling seconded the motion. The motion carried with a vote of 7-0. Mr. Kirchgasser polled each member of Council for his/her vote.

C. Consideration for Introduction: Ordinance 822: Text Amendment to Chapter 266, Weeds and Vegetation, Deleting Current Text and Replacing with New Text.

Mr. Haines stated this ordinance will provide better tools for staff to address issues such as high grass and weeds. He stated they are ultimately looking for compliance and not to have to issue liens on properties. Mr. Haines stated July 13, 2020 will be the public hearing date. Mr. Shropshire asked if the ordinance addresses bamboo.

Ms. Merino stated bamboo is not specifically addressed but could be covered under the list of general vegetation with future amendments. Mr. Shropshire stated he has had a number of complaints. Ms. Merino stated if bamboo is growing in the right-of-way it will be covered by this Ordinance. Mr. Kirchgasser asked if it would be covered if it encroaches a property boundary and Ms. Merino said no but there is a provision in the ordinance that would apply to lots with a depth of 165 feet which would cover an issue of bamboo within that area of a property. Mr. Kirchgasser asked if the bamboo issue will apply to this ordinance. Mr. Damico stated most municipalities address bamboo issues with a separate Ordinance. He stated because it is a vegetation, the ordinance would apply however, he feels the Township should go into more detail with a separate Ordinance addressing bamboo. Mr. Shropshire stated to have Council move ahead on this ordinance and address bamboo in the future. Ms. Dussling stated in the maintenance of trees it is 30 days, but the vegetation of the Code Enforcement does not have a time limit. Mr. Damico stated this would be enforced at the recommendation of the Code Enforcement Officer. Mr. Haines stated if a property is not maintained property with high grass, all it requires is the use of a lawnmower. He stated in the case of trees, the need for professional help

may require more time.

Mr. A.G. Ciavarelli asked are weeds that create allergy issues can these be addressed. Mr. Haines stated there is staff appointed to look into these issues and it usually concerns the height of the vegetation. Mr. Ciavarelli stated this seems unenforceable especially the issue of vegetation causing hay fever.

Mr. Shropshire made a motion to Introduce the Ordinance and Mrs. Powell seconded the motion. The motion carried with a vote of 7-0. Mr. Kirchgasser polled each member of Council for his/her vote.

D. Consideration for Introduction: Ordinance 823: Creating New Chapter 220, Tree Maintenance.

Mr. Haines stated this Ordinance provides clarity of the maintenance of a property by the homeowner even in a right-of-way. He stated there are often trees in question that tax the Public Works Department staff or Township resources that are a private property matter. Mr. Kirchgasser stated this is intended to make sure lines-of-sight are properly maintained for public safety.

Mr. Shropshire made a motion to Introduce the Ordinance and Mr. Read seconded the motion. The motion carried with a vote of 7-0. Mr. Kirchgasser polled each member of Council for his/her vote.

E. Consideration to Formally Name the Smedley Open Space Tract as Penncrest Park, as Recommended by the Parks & Recreation Committee and Walter Smedley, III and family.

Mr. Haines stated 15 years ago the Township acquired open space known as the Smedley Tract and stated there is a master plan for the park and discussions occurred to name the future park. He stated Mr. Smedley and Smedley family was contacted for their opinion from the family. He stated the Park and Recreation Committee reviewed his letter and supported the concept to name the park Penncrest Park. The Comprehensive Plan Task Force recommended the Park and Recreation Committee make the formal recommendation to Council. Mr. Kirchgasser stated Council would like time to consider the naming of the park and asked for a motion to continue the matter.

Mr. Byrne made a motion to continue and Mr. Shropshire seconded the motion. The motion carried with a vote of 7-0. Mr. Kirchgasser polled each member of Council for his/her vote.

F. Consideration for Approval: Resolution 2020-14, Update to Township Emergency Operations Plan.

Mr. Kirchgasser stated Mr. Shropshire and Ms. Dussling asked for this item to be continued so that there is a public review.

Ms. Dussling made a motion to continue the item and Mr. Shropshire seconded the

motion. The motion carried with a vote of 7-0. Mr. Kirchgasser polled each member of Council for his/her vote.

G. Consideration to Authorize Noise Waiver: SEPTA Request for Waiver of Time Restrictions of Chapter 155, Noise, for the Purpose of Construction on Elwyn-to- Middletown Rail Line.

Mr. Haines stated Mr. Joseph Connelly has been made a co-host of the meeting to discuss the waiver request for maintenance work. Mr. Connelly and Mr. Brian Neckerman are able to answer questions. Mr. Neckerman stated this work was scheduled for later this year but due to the COVID-19 situation, SEPTA has shut down the rails, so they are able to do work in this area now. He stated there is no need to do overnight work. Mr. Neckerman asked to extend the workday hours to two shifts until midnight for approximately 13 days of work. Mr. Kirchgasser asked the time frame for this work. Mr. Neckerman stated the work will start next Wednesday and continue until June 5, 2020, but not working Memorial Day Weekend. Mr. Kirchgasser asked what type of work is being done. Mr. Neckerman stated the first couple of days are the support structure for the power lines, then the work will be slope stabilization work. Mr. Kirchgasser stated the primary impact area is Elwyn Avenue and S. Old Middletown Road.

Mr. Neckerman stated the majority of the noise will be in the daytime such as back-up alarms and excavation work with limited work at night. Mr. Connelly stated there are general maps displayed for Council to view. Mr. Connelly stated they would have liked to give more notice to residents. He stated because of the COVID crisis work has been moved up from the fall. Mrs. Powell asked if the neighbors have been notified. Mr. Connelly stated they were waiting for approval from Council and will mail out postcards in tomorrow's mail including Elwyn Avenue, S. Old Middletown Road, Church Road and the residents of Spring House Lane. Mr. Kirchgasser asked to add Brinton Avenue to the list. Mr. Connelly stated they will provide messages to post on social media. Ms. Dussling asked about lighting issues. Mr. Neckerman stated there will be light towers, but they will be below grade and not impact residents.

Ms. Dussling made a motion to approve the waiver and Mr. Read seconded the motion. The vote carried with a vote of 7-0. Mr. Kirchgasser polled the Council each member of Council for his/her vote.

H. Request for Extension of Time on Temporary Workspace; Sunoco LP, Sleighton Park (HDD591).

Mr. Haines stated Mr. McGinn is available to answer questions. He stated part of HDD591, which is the drill segment along Valley Road to Sleighton Park, currently has temporary workspace easements that will expire. Sunoco wants to extend up to 12 months, with the potential for two (2) 6-month extensions. Mr. Kirchgasser stated Council invited Mr. McGinn to explain what the request is, and Council will not be voting this evening. Mr. McGinn stated when the temporary easements were acquired in 2016 there was an expiration date three years from the start of construction. He stated the temporary easement in Sleighton Park are still required for work to be done that will extend beyond

the August deadline. He stated he is asking the Township to extend the time limit. Mr. McGinn stated one line is installed and the second line needs to be installed. Mr. Kirchgasser asked the timeframe. Mr. McGinn asked to extend to August 2021 with two 6-month extensions to complete the work. Mr. Kirchgasser asked if this will require additional space. Mr. McGinn stated it will not. Mr. Kirchgasser asked if Council does not provide the extension, what are the options. Mr. McGinn stated they will look at alternative options including changing from HDD to an open cut. Mr. Shropshire asked if the devastation will be greater with option "B". Mr. McGinn stated it would create more of an impact. Mr. Shropshire asked if there will be an open trench down Valley Road. Mr. McGinn stated that is an option. Ms. Dussling asked if the temporary workspace is only needed for the HDD. Mr. McGinn stated other options would adjust the temporary workspace needed and require more space and width. Mr. Shropshire stated if the extension is granted, the corner will be much less destructive. Ms. Dussling asked if Sunoco will switch methods on Valley Road for the second pipeline. Mr. McGinn stated this is an option.

Mr. Kirchgasser asked without the Township space, is Sunoco able to conduct an HDD on the site. Mr. McGinn stated no. Mr. Kirchgasser asked what other options are available. Mr. McGinn stated the primary methods are open trench and HDD. Mr. Shropshire asked if any other pipelines are currently in this location. Mr. McGinn stated there are at least four total in the general area. Mr. Shropshire would like to see Sleighton Park available to the community but is concerned by the destruction that could be caused by not granting the extension. Mr. Kirchgasser asked for a probability for the work to be completed by the extension time. Mr. McGinn stated there is approximately 4-6 months of work to be completed. Ms. Dussling asked if a copy of the geophysical assessment was available for Township review. Mr. McGinn stated that portions of the project are not fully complete but are wrapping up the process. Mr. Kirchgasser stated this has to happen quickly. Mr. Byrne asked what the six-month extension means. Mr. McGinn stated with agreements related with land use there is a window to complete the project where the Township is compensated for the easement. Mr. Read stated Ms. Dussling's question is very important, and Council cannot move forward without the geophysical report. Mr. McGinn will follow up with Mr. Haines. Mr. Kirchgasser stated the request must be in written form so Council can understand the official request. He also asked for the amount of compensation available to the Township and also safety considerations. He stated with permits there is an allowance for modifications which require additional review to complete. Mr. Kirchgasser stated if the request is declined where the path is along Valley Road and an understanding of how much trenching will be along this easement. Ms. Dussling asked if the existing pipe will remain if they were to change the installation of the second pipe. Mr. McGinn stated the current pipe is complete. Mr. Shropshire asked if they use the second method there may be a disturbance to the existing pipe. He stated more information is needed. Ms. O'Connell-Bell inquired if using open cut would restore the area vegetation. Ms. Dussling stated they [DEP] may not approve the open cut installation. Mr. Shropshire stated when the studies are done, the public needs to have an input before Council decides. Mr. Kirchgasser stated the ball is in his court and will

schedule a meeting to take a vote. Mr. Shropshire asked what his timeline is. Mr. McGinn stated before August. Mr. Kirchgasser thanked Mr. McGinn and asked for the formal request.

H. Approval of May 11, 2020 Bill List.

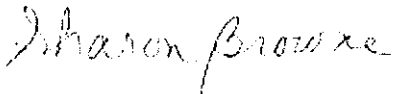
Mr. Kirchgasser read the bill list aloud.

GENERAL FUND

A. J. Blosenski, Inc.	March Recycling/Yard Waste	\$ 25,690.56
Charles A. Higgins & Sons, Inc.	Repairs & Maintenance/Signals	\$ 6,680.40
	Repairs & Maintenance/Street Lights	<u>\$ 649.60</u>
		\$ 7,330.00
Independence Blue Cross	May Health Insurance	\$ 20,014.71
	General Fund Total	\$ 53,035.27

Mr. Kirchgasser adjourned the meeting at 8:30 p.m.

Respectfully Submitted,



Sharon Browne

